

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

THE STATE OF NEW YORK
NOTICE OF THE DEPARTMENT OF AGRICULTURE

STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE

UNITED STATES
DEPARTMENT OF AGRICULTURE
LIBRARY



BOOK NUMBER

Reserve

1

F73N

nos. 13001-

14000

1925-1926

607686

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13001-13050

[Approved by the Secretary of Agriculture, Washington, D. C., April 7, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13001. Misbranding of Nav-O concentrate. U. S. v. 2 Gallons of Nav-O Concentrate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19034. I. S. No. 12747-v. S. No. E-4961.)

On October 1, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 gallons of Nav-O concentrate, remaining in the original unbroken packages at Baltimore, Md., consigned July 25, 1924, alleging that the article had been shipped by Henry H. Ottens Mfg. Co., from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Quaker Brand Nav-O Concentrate Ottens Henry H. Ottens Mfg. Co., Inc. Philadelphia, Pa."

Misbranding of the article was alleged in the libel for the reason that it was an imitation of another article.

On January 9, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13002. Misbranding of flavoring extract. U. S. v. 99 Bottles of Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19172. I. S. No. 17317-v. S. No. E-5011.)

On November 17, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 bottles of extract, at Hagerstown, Md., consigned October 20, 1924, alleging that the article had been shipped by the Arthur L. Leech Co., from Kennebunk, Me., and transported from the State of Maine into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Leech's Golden Glow Products * * * Golden Glow Flavoring Containing The Pure Crystallized Principal Aromatic Constituent of the Vanilla Bean * * * Manufactured and Guaranteed by The Arthur L. Leech Co. * * * Kennebunk, Maine."

Misbranding of the article was alleged in the libel for the reason that it was an imitation of another article.

On December 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13003. Adulteration of Brazil nuts. U. S. v. 438 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 19111. I. S. No. 13174-v. S. No. E-4999.)

On November 6, 1924, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 438 bags of Brazil nuts, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by B. Levy & Co., from Manaos, Brazil, March 14, 1924, to Brooklyn, N. Y., and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 1, 1924, Paul Bertuch & Co., New York, N. Y., claimant having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,800, in conformity with section 10 of the act, conditioned in part that it be reconditioned, and the bad portion destroyed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

13004. Adulteration and misbranding of tankage. U. S. v. 5 Sacks of Garbage Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17234. I. S. No. 10444-v. S. No. C-3876.)

On January 12, 1923, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 100-pound sacks of garbage tankage, at Kansas City, Kans., alleging that the article had been shipped by the Kornfalfa Feed Milling Co., Kansas City, Mo., on or about December 29, 1922, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Garbage Tankage."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable and animal matter. Adulteration was alleged for the further reason that the article contained added poisonous and deleterious ingredients, which rendered it totally unfit for the purpose for which it was intended.

Misbranding was alleged for the reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the sacks containing the said article, and for the further reason that the label on the said sacks was calculated to deceive and mislead the purchaser to believe that he was purchasing tankage, when, in truth and in fact, the product was not tankage but was a foreign product purporting to be tankage.

On January 19, 1925, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13005. Misbranding of flavoring extract. U. S. v. 46 Bottles of Golden Glow Flavoring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19173. I. S. No. 15559-v. S. No. E-5010.)

On November 17, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 46 bottles of Golden Glow flavoring, at Erie, Pa., alleging that the article had been shipped by Arthur L. Leech Co., from Kennebunk, Me., on or about October 22, 1924, and transported from the State of Maine into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Leech's Golden Glow Products * * * Golden Glow Flavoring Containing The Pure Crystallized Principal Aromatic Constituent of the Vanilla Bean * * * Manufactured and Guaranteed by The Arthur L. Leech Co. * * * Kennebunk, Maine."

Misbranding of the article was alleged in the libel for the reason that it was an imitation of another article.

On January 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13006. Adulteration of chestnuts. U. S. v. 6 Cases of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19211. I. S. No. 15563-v. S. No. E-5033.)

On December 2, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of chestnuts, at Pittsburgh, Pa., alleging that the article had been shipped by Scaramelli Co., from New York, N. Y., on or about October 29, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13007. Adulteration and misbranding of Concord grape soda water flavor. U. S. v. 35 Gallons of Superb Brand True Concord Grape Soda Water Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18813. I. S. No. 17758-v. S. No. C-4429.)

On July 1, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 gallons of Superb brand true Concord grape soda water flavor, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Hurty, Peck & Co., from Indianapolis, Ind., June 13, 1924, and transported from the State of Indiana into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Label on keg) "Superb Brand True Concord Grape Soda Water Flavor * * * Contains No Artificial Flavor Hurty-Peck & Co. * * * Indianapolis, Indiana."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored imitation product had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and in that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement "True Concord Grape Soda Water Flavor—Contains No Artificial Flavor" was false and misleading and deceived and misled the purchaser, and in that it was an imitation of and offered for sale under the distinctive name of another article.

On December 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13008. Adulteration and misbranding of cottonseed meal. U. S. v. the Buckeye Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 17796. I. S. Nos. 3182-v, 3189-v, 3406-v.)

On April 15, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, trading at Macon, Ga., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 29 and October 25, 1922, and January 9, 1923, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal which was adulterated and misbranded. The article was labeled in part: (Tag) "Buckeye Good Cottonseed Meal Manufac-

tured By The Buckeye Cotton Oil Co. General Offices, Cincinnati, Ohio * * * Guarantee Protein 36.00% * * * Ammonia 7.00% Fibre 14.00%."

Analyses of a sample of the article from each of the three consignments, by the Bureau of Chemistry of this department, showed that the said samples contained 34.50 per cent, 34.25 per cent, and 33.56 per cent of protein, 6.71 per cent, 6.66 per cent, and 6.52 per cent of ammonia, and 15.85 per cent, 14.50 per cent, and 15.40 per cent of fiber, respectively.

Adulteration of the article was alleged in the information for the reason that a product inferior to good cottonseed meal had been substituted for good cottonseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Good Cottonseed Meal" and "Guarantee Protein 36.00% * * * Ammonia 7.00% Fibre 14.00%," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article was good cottonseed meal, and contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was good cottonseed meal, and contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 14 per cent of fiber, whereas it was not good cottonseed meal but was a product inferior to good cottonseed meal, and contained less protein, less ammonia, and more fiber than declared on the labels.

On April 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

13009. Adulteration of shell eggs. U. S. v. William A. Dublin, George M. Brooks, and Gaines A. Legg (Boone, Holmes & Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 18334. I. S. No. 6440-v.)

On July 5, 1924, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William A. Dublin, George M. Brooks, and Gaines A. Legg, copartners, trading as Boone, Holmes & Co., Clinton, Ky., alleging shipment by said defendants, in violation of the food and drugs act, on or about August 6, 1923, from the State of Kentucky into the State of Illinois, of a quantity of shell eggs which were adulterated. The article was labeled in part: "B H & Co."

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 171 eggs, or 11.8 per cent of those examined, were inedible, consisting of black rots, mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On November 19, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

13010. Adulteration of shell eggs. U. S. v. 198 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 19553. I. S. No. 19137-v. S. No. C-4618.)

On January 17, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 198 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by W. T. Fisher, from Evansville, Ind., January 1, 1925, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On January 21, 1925, G. W. Randall, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000,

in conformity with section 10 of the act, conditioned in part that it be cancelled under the supervision of this department and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture*.

13011. Adulteration and misbranding of hominy feed. U. S. v. 500 Sacks of Hominy Feed. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18845. I. S. No. 22262-v. S. No. E-4886.)

On or about July 21, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of hominy feed, consigned June 11, 1924, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Corno Mills, from East St. Louis, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Corno Hominy Feed Guaranteed Analysis: Protein 10.00 Fat 7.00 * * * Made By The Corno Mills Co. Address: East St. Louis, Ill."

Adulteration of the article was alleged in the libel for the reason that a substance, a wheat and oat by-product, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Protein 10.00 Fat 7.00, Hominy Feed," borne on the tags attached to the sacks containing the article, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the article contained 10 per cent of protein and 7 per cent of fat, whereas it contained less protein and less fat than declared on the label.

On August 15, 1924, the Corno Mills Co., East St. Louis, Mo., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,675, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its content of wheat and oat by-products.

W. M. JARDINE, *Secretary of Agriculture*.

13012. Misbranding and alleged adulteration of vinegar. U. S. v. 80 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15612. I. S. No. 6924-t. S. No. E-3647.)

On November 12, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 barrels of vinegar, shipped from New York into Connecticut in interstate commerce, and remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Douglas Packing Co., on or about October 26, 1921, into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples Reduced to 4 Per Centum Rochester N. Y."

It was alleged in substance in the libel that the article was adulterated in that apple waste vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding was alleged in substance for the reason that the labels on the barrels containing the article bore the following statement, "Apple Cider Vinegar Made From Selected Apples," which was false and misleading and deceived and misled the purchaser, in that the said statement represented that the product was apple cider vinegar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

On or about December 17, 1924, the Douglas Packing Co., Inc., Rochester N. Y., claimant, having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said prod-

uct be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13013. Misbranding of butter. U. S. v. 30 Packages of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18962. I. S. No. 18330-v. S. No. C-4469.)

On or about August 8, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 packages of butter, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the Dodge County Creamery, from Eastman, Ga., July 30, 1924, and transported from the State of Georgia into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sunny South Butter * * * Dodge County Creamery Eastman, Georgia, One Pound Net When Packed."

Misbranding of the article was alleged in the libel for the reason that the packages, which were labeled "One Pound Net," did not each contain 1 pound net of butter but contained a less amount.

On November 3, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13014. Misbranding of tankage. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$150 and costs. (F. & D. No. 18319. I. S. Nos. 4530-v, 8840-v, 8841-v.)

On July 12, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Cleveland, Ohio, alleging shipment by said company, in violation of the food and drugs act, in part on or about March 19, 1923, and in part on or about May 23, 1923, from the State of Ohio into the State of Indiana, of quantities of tankage which was misbranded. The article was labeled in part: (Sack) "Swift's Digester Tankage Manufactured By Swift & Company Chicago, Ill. Guaranteed Analysis Protein 60%."

Analyses by the Bureau of Chemistry of this department of a sample from each of the three consignments of the article showed that the said samples contained 53.38 per cent, 53.07 per cent, and 54.43 per cent, respectively, of protein.

Misbranding of the articles was alleged in the information for the reason that the statement "Guaranteed Analysis Protein 60%," borne on the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 60 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein, whereas the said article did contain less than 60 per cent of protein.

On December 22, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13015. Misbranding of A. D. S. special kidney and bladder pills. U. S. v. 210 Dozen Packages of A. D. S. Special Kidney and Bladder Pills. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19448. I. S. No. 11722-v. S. No. W-1625.)

On December 29, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 210 dozen packages of A. D. S. special kidney pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the American Druggists Syndicate, from New York, N. Y., in part on or about October 2, 1924, and in part on or about November 6, 1924, and transported from the State of New York into the

State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted of hexamethylenetetramine and extracts of plant drugs, including small quantities of resins and volatile oils mixed with magnesium carbonate, coated with sugar and calcium carbonate, and colored blue on the surface.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding its curative and therapeutic effects appearing in the labeling, "Kidney and Bladder Pill A Treatment Indicated In Simple Inflammatory Conditions Of The Kidneys And Bladder, Bladder Irritation, Non-Retention Of Urine, Scanty Or Scalding Urine," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 23, 1925, the American Druggists Syndicate of the Pacific Coast, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

13016. Misbranding of flour. U. S. v. 95 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19022. I. S. No. 3707-v. S. No. E-4958.)

On September 27, 1924, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 95 sacks of flour, at Anderson, S. C., alleging that the article had been shipped by the Henderson Roller Mills Co., from Monroe, N. C., on or about September 4, 1924, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "24 Lbs. Mystic Flour."

Misbranding of the article was alleged in the libel for the reason that the statement in the labeling "24 Lbs." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 28, 1924, the Henderson Roller Mills, Monroe, N. C., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the sacks be refilled to the declared weight.

W. M. JARDINE, *Secretary of Agriculture.*

13017. Adulteration and misbranding of orange smash concentrate. U. S. v. 30 Gallons of Orange Smash Concentrate. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18892. I. S. No. 5713-v. S. No. C-4455.)

On August 7, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 gallons of orange smash concentrate, at Minneapolis, Minn., alleging that the article had been shipped by the Orange Smash Co., from Birmingham, Ala., on or about July 8, 1924, and transported from the State of Alabama into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Orange Smash Concentrate * * * Orange Smash Company, Birmingham, Ala."

Adulteration of the article was alleged in the libel for the reason that a substance, an aqueous solution of sugar flavored with orange oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Orange Smash Concentrate" was false and misleading and deceived and misled the purchaser and for the further reason that it was an imitation of another article.

On October 1, 1924, the Orange Smash Co., Birmingham, Ala., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled to the satisfaction of this department.

W. M. JARDINE, *Secretary of Agriculture.*

13018. Adulteration of canned salmon. U. S. v. 381 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released to Fish Commission to be used for fish food. (F. & D. No. 18963. I. S. No. 20230-v. S. No. W-1580.)

On September 8, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 381 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Hidden Inlet Canning Co., from Hood Bay, Alaska, August 18, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Steamboat Brand Alaska Pink Salmon Packed by Hidden Inlet Canning Co. Main Office: Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 14, 1924, the Hidden Inlet Canning Co., Inc., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that, upon payment of the costs of the proceedings, the product be released to the Oregon State Fish Commission to be used for fish food.

W. M. JARDINE, *Secretary of Agriculture.*

13019. Misbranding of butter. U. S. v. 147 Pounds, et al., of Butter. Judgments of the Government. Product ordered released to claimant to be repacked and correctly labeled. (F. & D. Nos. 18408, 18424. I. S. Nos. 7314-v, 7324-v. S. Nos. C-4294, C-4303.)

On February 21 and 26, 1924, respectively, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 9 cases and 147 pounds of butter, at Mobile, Ala., alleging that the article had been shipped by P. Graham, Inc., from New Orleans, La., in part February 6 and in part February 20, 1924, and transported from the State of Louisiana into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The shipping cases containing the article were labeled in part: "P. Graham Inc., Mobile, Ala."

Misbranding of the article was alleged in the libels for the reason that the following statements, appearing on the cartons containing the article, "One Pound Net Special Creamery Butter, The Creamery Company," were false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 14, 1924, P. Graham, Inc., New Orleans, La., having appeared as claimant for the property, judgments were entered for the Government, and it was ordered by the court that the product be released to the said claimant, that it be repacked and correctly marked with the net contents thereof, and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

13020. Misbranding of vinegar. U. S. v. 26 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15623. I. S. No. 13491-t. S. No. C-3319.)

On November 21, 1921, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 26 barrels of vinegar, remaining unsold in the original packages at Lexington, Ky., consigned by the Douglas Packing Co., from Fairport, N. Y., about September 28, 1921, alleging that the article had been shipped from Fairport, N. Y., and transported from the State of New York into the State of Kentucky, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cu-Tu-No Quality Apple Cider Vinegar Guaranteed To Comply With All Pure Food Laws * * *" Douglas Packing Company, Rochester, N. Y."

Misbranding of the article was alleged in substance in the libel for the reason that the label bore statements, designs, and devices regarding the said article which were false and misleading, in that it was labeled so as to make it appear that the vinegar contained in the said barrels was an apple vinegar made from apple juice, and for the further reason that the barrels were labeled so as to deceive and mislead the purchaser into the belief that the said vinegar was apple cider vinegar made from apple juice, when, in truth and in fact, it was not apple cider vinegar made from apple juice but was a vinegar made in whole or in part from dried apple products.

On January 29, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13021. Misbranding of cottonseed meal. U. S. v. Central Oil & Fertilizer Co. Plea of guilty. Fine, \$100. (F. & D. No. 17532. I. S. Nos. 3194-v, 3251-v.)

On December 10, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Central Oil & Fertilizer Co., a corporation, Macon, Ga., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about October 31 and November 27, 1922, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Prosperity Brand Cottonseed Meal * * * Manufactured By Central Oil & Fertilizer Co. Home Office, Macon, Georgia."

Analyses by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the said samples contained 33.81 per cent and 33.23 per cent of protein, equivalent to 6.58 per cent and 6.46 per cent of ammonia, and 14.32 per cent and 16.72 per cent of crude fiber, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guarantee Protein, not less than 36.00 Per Cent Equivalent to Ammonia 7.00 Per Cent * * * Fibre not more than 14.00 Per Cent," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and not more than 14 per cent of fiber, whereas the said article contained less than 36 per cent of protein and more than 14 per cent of fiber.

On December 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

13022. Misbranding of bakery products. U. S. v. the Merchants Biscuit Co. Plea of nolo contendere. Fine, \$140 and costs. (F. & D. No. 18733. I. S. Nos. 11948-v, 11949-v, 20643-v, 20644-v, 20645-v, 20646-v, 20647-v.)

On December 2, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Merchants Biscuit Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in 7 consignments, namely, on or about October 20, November 20, December 1, and December 17, 1923, respectively, from the State of Colorado into the State of Wyoming, and on or about December 10, 1923, and January 18, 1924, respectively, from the State of Colorado into the State of New Mexico, of quantities of bakery products which were misbranded. The articles were labeled in part variously: "Dessert Creams * * * Minimum Net Weight 5½ Oz."; "Velma Creams * * * Minimum Net Weight 5¼ Oz."; "Graham Crackers * * * Minimum Net Weight 7½ Oz."; "Shell Oyster Cracker * * * Minimum Net Weight 9½ Oz."; "Macaroon Snaps * * * Minimum Net Weight 3¾ Oz." (2 shipments); "Oatmeal Crackers * * * Minimum Net Weight 8 Oz." The articles were further labeled: "The Merchants Biscuit Company, Denver."

Examination of samples of the articles by the Bureau of Chemistry of this department showed that 24 packages of dessert creams examined averaged 5.07 ounces net of the article, 18 packages of Velma Creams examined averaged 4.13 ounces net, 30 packages of graham crackers examined averaged 6.32 ounces net, 16 packages of oyster crackers examined averaged 7.76 ounces net, 60 packages from 1 shipment and 36 packages from the other shipment of the macaroon snaps averaged 3.35 ounces and 3.29 ounces, net, respectively, and 18 packages of oatmeal crackers examined averaged 6.81 ounces net.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Minimum Net Weight 5½ Oz.," "Minimum Net Weight 5¼ Oz.," "Minimum Net Weight 7½ Oz.," "Minimum Net Weight 9½ Oz.," "Minimum Net Weight 3¾ Oz." and "Minimum Net Weight 8 Oz.," borne on the labels affixed to the packages containing the respective articles, were false and misleading, in that the said statements represented that the packages contained the amounts of the various articles declared on the respective labels and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the amounts of the various articles declared on the respective labels, whereas they did not but the said packages contained a less amount than so declared. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 17, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$140 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13023. Adulteration of chocolate concentrate. U. S. v. 7 Gallons Chocolate Concentrate. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 18611. I. S. No. 12987-v. S. No. E-4821.)

On April 23, 1924, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 gallons of chocolate concentrate, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by Jack Beverages, Inc., New York, N. Y., on or about April 4, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Real Chocolate Concentrate Contains Sodium Benzoate less than 1% of 1% to Finished Product * * * Jack Beverages, Inc. Manufacturing Chemists * * * New York City."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On June 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be destroyed or sold by the United States [marshal], provided such sale could be speedily effected.

W. M. JARDINE, *Secretary of Agriculture.*

13024. Adulteration and misbranding of lemon pie compound, chocolate pie compound, and coconut creme custard. U. S. v. White & Kleppinger, Inc. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 18761. I. S. Nos. 9630-v, 9631-v, 9632-v.)

On October 14, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against White & Kleppinger, Inc., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, from the State of Illinois into the State of Wisconsin, on or about March 2, 1923, of quantities of lemon pie compound and chocolate pie compound, respectively, and on or about March 15, 1923, of a quantity of coconut creme custard, all of which were adulterated and misbranded. The articles were labeled in part: (Package) "Lemon Pie Compound" (or "Chocolate Pie Compound" or "Cocoanut Creme Custard").

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the lemon pie compound consisted of corn starch, sugar, and citric acid, with an odor suggestive of lemon oil, and contained no eggs nor lemon juice, the chocolate pie compound consisted of starch and cocoa, and contained no sugar nor eggs, and the coconut creme custard consisted of starch and shredded coconut, flavored with vanillin, was artificially colored and contained no eggs and little, if any, sugar.

Adulteration of the lemon pie compound was alleged in the information for the reason that a mixture consisting practically of corn starch, sugar, and citric acid and flavored with a small amount of oil of lemon but containing no lemon juice nor eggs had been substituted for a concentrated lemon pie filling compound, to wit, an article containing among other constituents eggs and lemon juice, which the said article purported to be.

Misbranding of the lemon pie compound was alleged in that the statements, to wit, "Lemon Pie Compound" and "Concentrated Pie Filling," borne on the packages containing the article, were false and misleading, in that the said statements represented the article to be concentrated lemon pie filling compound, to wit, an article containing among other ingredients eggs and lemon juice, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a concentrated lemon pie filling compound, whereas it was not concentrated lemon pie filling compound, in that it contained no eggs nor lemon juice.

Adulteration of the chocolate pie compound was alleged for the reason that a mixture consisting practically of corn starch and cocoa but containing no sugar nor eggs had been substituted for a concentrated chocolate pie filling compound, to wit, an article containing among other constituents eggs and sugar, which the said article purported to be.

Misbranding of the chocolate pie compound was alleged for the reason that the statements, to wit, "Chocolate Pie Compound" and "Concentrated Pie Filling," borne on the packages containing the article, were false and misleading, in that the said statements represented the said article to be a concentrated chocolate pie filling compound, to wit, an article containing among other ingredients sugar and eggs, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was concentrated chocolate pie filling compound, whereas it was not a concentrated chocolate pie filling compound, in that it contained no sugar nor eggs.

Adulteration of the coconut creme custard was alleged for the reason that a mixture consisting practically of corn starch and coconut, artificially flavored with vanillin and artificially colored but containing no eggs nor sugar, had been substituted for coconut creme custard, to wit, an article containing among other constituents eggs and sugar, which the said article purported to be.

Misbranding of the coconut creme custard was alleged for the reason that the statements, to wit, "Cocoanut Creme Custard" and "Makes Delicious Pudding, Cake, Pies, Etc.," borne on the packages containing the article were false and misleading, in that the said statements represented the article to be coconut creme custard, to wit, an article containing among other ingredients eggs and sugar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was coconut

creme custard, whereas it was not coconut creme custard, in that it contained no eggs nor sugar.

On January 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13025. Adulteration and misbranding of butter. U. S. v. Cabot Farmers Co-operative Creamery. Plea of guilty. Fine, \$10. (F. & D. No. 18327. I. S. Nos. 1773-v, 1779-v.)

On July 17, 1924, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cabot Farmers Co-operative Creamery, a corporation, Cabot, Vt., alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about June 19, 1923, and in part on or about June 27, 1923, from the State of Vermont into the State of Massachusetts, of quantities of butter, a portion of which was adulterated and the remainder of which was misbranded.

Analyses by the Bureau of Chemistry of this department of three samples of the product consigned June 19, 1923, showed that the average butterfat of the said samples was 77.97 per cent.

Adulteration of the portion of the article consigned June 19, 1923, was alleged in the information for the reason that a product deficient in butterfat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be. Adulteration was alleged for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged with respect to the consignment of June 27 for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 7, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

13026. Misbranding of cottonseed meal. U. S. v. 80 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18705. I. S. No. 22255-v. S. No. E-4846.)

On May 22, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 sacks of cottonseed meal, at Mt. Airy, Md., consigned about January 29, 1923, alleging that the article had been shipped by W. C. Nothern, from Kosciusko, Miss., and transported from the State of Mississippi into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Bee Brand Cottonseed Meal * * * Protein 41.12%, Ammonia 8.00%, * * * Nitrogen 6.58%, * * * W. C. Nothern, Shipper, Memphis, Tenn."

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Protein 41.12%, Ammonia 8.00%, Nitrogen 6.58%," borne on the labeling, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the article contained 41.12 per cent of protein, whereas it contained a less amount.

On January 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled, "Cottonseed Meal 100 Pounds Net, Protein 39%, Crude Fibre 12%, Crude Fat 6%, Ammonia 7.56%, Nitrogen 6.20%," and sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13027. Adulteration of shell eggs. U. S. v. 8 Cases of Eggs. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 19088. I. S. No. 20702-v. S. No. W-1595.)

On or about October 6, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 8 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by J. W. Williams, Haigler, Nebr., alleging that the article had been shipped from Haigler, Nebr., September 30, 1924, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From J. W. Williams, Haigler, Nebr."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On January 5, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be examined under the supervision of this department, the bad portion destroyed, and the good portion sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13028. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 19195. I. S. No. 20817-v. S. No. W-1604.)

On October 31, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by the St. Francis Equity Exchange, St. Francis, Kans., alleging that the article had been shipped from St. Francis, Kans., on or about October 21, 1924, and transported in interstate commerce into the State of Colorado, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On January 5, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be examined under the supervision of this department, the bad portion destroyed, and the good portion sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13029. Misbranding of canned tuna fish. U. S. v. 65 Cases and 325 Cases of Tuna Fish. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18944. I. S. Nos. 20902-v, 20906-v. S. No. W-1573.)

On September 16, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 390 cases of tuna fish, remaining in the original unbroken packages at Denver, Colo., consigned by the Westgate Sea Products Co., San Diego, Calif., alleging that the article had been shipped on or about July 19, 1924, and transported from the State of California into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part variously: (Can) "Solitaire Albacore White Meat Tuna Net Weight 13 Oz 369 Grams;" "Moreys Solitaire Tuna Fish * * * Net Weight 14 Ozs. 397 Grams;" and "Alamo Brand Tuna Light Meat Net Weight 7 Oz. Packed By Westgate Sea Products Company San Diego California."

Misbranding of the article was alleged in the libel for the reason that the statements, "Net Weight 13 Oz. 369 Grams," "Net Weight 14 Ozs. 397 Grams," and "Net Weight 7 Oz.," borne on the cans of the respective lots, were false and misleading and deceived and misled the purchaser, in that the net weight of the cans in the said lots was less than 13 ounces 369 grams, 14 ounces 397 grams, and 7 ounces, respectively. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 6, 1924, the Morey Mercantile Co., Denver, Colo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13030. Misbranding of shelled pecans. U. S. v. 104 Pounds of Pecans. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18657. I. S. No. 20635-v. S. No. W-1508.)

On May 23, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 104 pounds of pecans, remaining in the original unbroken packages at Denver, Colo., consigned by the Central Pecan & Mercantile Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about April 21, 1924, and transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Best-O-All Pecans Select Halves 4 Oz. When Packed. Central Pecan & Merc. Co., St. Louis."

Misbranding of the article was alleged in the libel for the reason that the statement "4 Oz. When Packed," appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the packages be correctly labeled as to the actual contents thereof, and sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13031. Adulteration and misbranding of flour. U. S. v. 250 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18127. I. S. No. 1400-v. S. No. E-4623.)

On December 3, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of flour, remaining in the original unbroken packages at Baltimore, Md., consigned about October 2, 1923, alleging that the article had been shipped by the Minneapolis Milling Co., from Minneapolis, Minn., and transported from the State of Minnesota into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Tops-All Patent Flour Minneapolis Milling Co. Minneapolis, Minn. Bleached 98 Lbs. Net Tops-All."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and in that water had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "98 Lbs. Net," borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser, in that the said statement represented that each of said sacks contained 98 pounds of flour, whereas each of said sacks did not contain 98 pounds of flour but contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 4, 1924, Charles P. Dorney, Baltimore, Md., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it should not be sold or disposed of until properly relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

13032. Adulteration of chestnuts. U. S. v. 8 Barrels of Chestnuts. Product ordered destroyed. (F. & D. No. 19096. I. S. No. 19801-v. S. No. C-4521.)

On October 29, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 barrels of chestnuts, consigned by Cuneo Bros., New York, N. Y., October 16, 1924, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the

State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 10, 1924, no claimant having appeared for the property and the product having become so decomposed as to constitute a nuisance, judgment of the court was entered, ordering the product destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13033. Adulteration and misbranding of mixed feed. U. S. v. Mayo Milling Co., Inc. Plea of guilty. Fine, \$50. (F. & D. No. 18735. I. S. No. 961-v.)

On September 16, 1924, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mayo Milling Co., Inc., a corporation, Richmond, Va., alleging shipment by said company, in violation of the food and drugs act, on or about November 5, 1923, from the State of Virginia into the State of North Carolina, of a quantity of mixed feed which was adulterated and misbranded. The article was labeled in part: (Tag) "100 lbs. Mayo's Mixed Feed Protein 13.00 Fat 4.75 * * * Corn Feed Meal, Wheat Bran, Wheat Middlings, Mayo Milling Co., Inc., Distributors And Manufacturers Richmond, Va."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 12.65 per cent of protein and 3.29 per cent of fat. Examination by said bureau showed that in addition to the declared ingredients a very noticeable amount of rye bran, ground corn cob, and both whole and ground screenings were present.

Adulteration of the article was alleged in the information for the reason that a product composed in part of rye bran, ground corn cob, and screenings both whole and ground, and deficient in protein and fat had been substituted for mixed feed composed of corn feed meal, wheat bran, and wheat middlings, which the said article purported to be, and for the further reason that substances, to wit, rye bran, ground corn cob, and screenings both whole and ground, deficient in protein and fat, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "Mixed Feed Protein 13.00 Fat 4.75 * * * Corn Feed Meal, Wheat Bran, Wheat Middlings," borne on the bags containing the article, were false and misleading, in that the said statements represented that the article was mixed feed consisting of and made wholly from corn feed meal, wheat bran, and wheat middlings and had a protein content of 13 per cent and a fat content of 4.75 per cent, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was mixed feed consisting of and made wholly from corn feed meal, wheat bran, and wheat middlings and had a protein content of 13 per cent and a fat content of 4.75 per cent, whereas it was an article consisting in part of and made from rye bran, ground corn cob, and screenings both whole and ground, and it did not have a protein content of 13 per cent and a fat content of 4.75 per cent but did contain less amounts.

On October 9, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

13034. Adulteration of shell eggs. U. S. v. 6 Cases and 16 Dozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19028. I. S. No. 18409-v. S. No. C-4466.)

On July 29, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases and 16 dozen eggs, at Mobile, Ala., alleging that the article had been shipped by the Prentiss County Farm Bureau, from Booneville, Miss., July 25, 1924, and transported from the State of Mississippi into the State of Alabama, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of decomposed eggs.

On August 11, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13035. Adulteration of shell eggs. U. S. v. 1 Case of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19027. I. S. No. 18411-v. S. No. C-4467.)

On or about July 31, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 case of eggs, at Mobile, Ala., alleging that the article had been shipped by Ellis & Chapman, from Waynesboro, Miss., July 29, 1924, and transported from the State of Mississippi into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Ellis & Chapman Waynesboro, Miss."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of decomposed eggs.

On August 11, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13036. Adulteration of tomato catsup. U. S. v. 68 Cases of Brooks Tomato Catsup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18445. I. S. No. 9223-v. S. No. C-4311.)

On March 4, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 68 cases of tomato catsup, at Cleveland, Ohio, alleging that the article had been shipped by the Brooks Tomato Products Co., from Shirley, Ind., on or about October 31, 1923, and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Brooks Tomato Catsup * * * M'fg. By Brooks Tomato Products Co., Collinsville, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 4, 1924, the Brooks Tomato Products Co., Collinsville, Ind., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13037. Adulteration and misbranding of ground mixed feed barley. U. S. v. 140 Bags of Ground Mixed Feed Barley. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18288. I. S. No. 9193-v. S. No. C-4269.)

On February 2, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 140 bags of ground mixed feed barley, at Lexington, Ohio, alleging that the article had been shipped by the Cokato Milling Co., Minneapolis, Minn., on or about November 9, 1923, and transported from the State of Minnesota into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Ajax Ground Mixed Feed Barley * * * Protein 11% * * * Manufactured By Cokato Milling Co., Minneapolis, Minn."

Adulteration of the article was alleged in the libel for the reason that it was deficient in protein and contained oats and screenings, which had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statement, "Ground Mixed Barley Protein 11%," which was false and misleading and

deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 15, 1925, the Lexington Elevator & Mill Co., Lexington, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13038. Adulteration and misbranding of grape soda water flavor. U. S. v. 2 Barrels and 25 Jugs of Cosco Soluble Grape Soda Water Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18903. I. S. Nos. 18881-v, 18882-v. S. No. C-4454.)

On August 11, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 barrels and 25 jugs of Cosco soluble grape soda water flavor, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Sethness Co., Chicago, Ill., June 27, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cosco Guaranteed by Sethness Company Chicago, Soluble Grape Soda Water Flavor contains added flavoring products identified in grapes, artificially colored."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored and artificially-colored imitation product had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement "Soluble Grape Soda Water Flavor" was false and misleading and deceived and misled the purchaser, and in that it was an imitation of another article.

On December 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13039. Misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18405. I. S. No. 15057-v. S. No. E-4747.)

On February 21, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of cottonseed meal, consigned November 21, 1923, remaining in the original unbroken packages at Front Royal, Va., alleging that the article had been shipped by the International Vegetable Oil Co., from Raleigh, N. C., and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Empire Choice Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in the libel for the reason that the statements appearing in the label, "Choice" and "Guaranteed Analysis Protein not less than 41.12% Equivalent to Ammonia 8.00%," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 2, 1924, the International Vegetable Oil Co., Raleigh, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13040. Adulteration and misbranding of grape concentrate. U. S. v. 5 Jugs of Grape Concentrate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18979. I. S. No. 18891-v. S. No. C-4480.)

On September 19, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 jugs of grape concentrate, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the National Fruit Flavor Co., Inc., from New Orleans, La., February 23, 1924, and transported from the State of Louisiana into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "National Fruit Flavor Co. New Orleans, La. * * * Grape Concentrate."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored and artificially-colored imitation product had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength and had been substituted for grape concentrate, and in that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label "Grape Concentrate" was false and misleading and deceived or misled the purchaser when applied to an imitation product, and in that it was an imitation of and offered for sale under the distinctive name of another article.

On December 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13041. Misbranding of preserves and fruit in sugar. U. S. v. McNeil & Co. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 18363. I. S. Nos. 4157-v, 4158-v, 4159-v, 7043-v, 7044-v, 7045-v, 7046-v, 17502-v, 17503-v, 17504-v.)

On May 28, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against McNeil & Co., Carpentersville, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about November 28, 1922, and May 31, 1923, from the State of Illinois into the State of Wisconsin, and on or about May 31, 1923, from the State of Illinois into the State of Iowa, of quantities of preserves, and on or about September 27, 1923, from the State of Illinois into the State of Michigan, of a quantity of fruit in sugar which were misbranded. A portion of the preserves was labeled in part: "Net weight 1 Lb. 4 Oz. Superior Preserves." A second portion of the preserves was labeled in part: "Jack Sprat Brand 20 oz. Net wt. Pure Fruit Preserves." The fruit in sugar was labeled in part: "Butter Cup Net Weight One Pound Pure Fruit In Sugar McNeil & Company, Carpentersville, Ill. Plum."

Examination by the Bureau of Chemistry of this department of 12 of the alleged 1-pound 4-ounce jars of preserves showed an average net weight of 1 pound 3.4 ounces. Examination of 14 of the alleged 20-ounce jars of preserves showed an average net weight of 19.2 ounces. Examination of 16 of the alleged 1-pound jars of fruit in sugar showed an average net weight of 15.5 ounces.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Net Weight 1 Lb. 4 Oz." and "20 Oz. Net Wt.," borne on the labels attached to the jars containing respective portions of the preserves, and the statement "Net Weight One Pound," borne on the labels attached to the jars containing the fruit in sugar, were false and misleading, in that the said statements represented that the jars contained 1 pound 4 ounces, 20 ounces, or 1 pound of the products, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said jars contained 1 pound 4 ounces, 20 ounces, or 1 pound of the products, as the case might be, whereas the said jars did not contain the amounts of the respective products borne on the labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13042. Adulteration and misbranding of grape flavor concentrate. U. S. v. American Fruit Products Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 18325. I. S. No. 8929-v.)

On May 28, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Fruit Products Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about June 19, 1923, from the State of Illinois into the State of Indiana, of a quantity of grape flavor concentrate which was adulterated and misbranded. The article was labeled in part: "Avalon Grape flavor concentrate * * * American Fruit Products Company * * * Chicago."

Examination of the article by the Bureau of Chemistry of this department showed that it was artificially flavored, and artificially colored with amaranth and Guinea green B.

Adulteration of the article was alleged in the information for the reason that an artificially-colored and artificially-flavored imitation product had been substituted for grape flavor concentrate, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to grape flavor concentrate, to wit, an artificially-flavored imitation product which was artificially colored with certain coal-tar dyes, to wit, amaranth and Guinea green B, so as to simulate the appearance of grape flavor concentrate, and in a manner whereby its inferiority to grape flavor concentrate was concealed.

Misbranding was alleged for the reason that the statement "Grape flavor concentrate," borne on the labels attached to the bottles containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of grape flavor concentrate, and for the further reason that it was labeled "Grape flavor concentrate" so as to deceive and mislead the purchaser into the belief that it consisted wholly of grape flavor concentrate, whereas, in truth and in fact, it did not so consist but did consist of an artificially-colored and artificially-flavored imitation product which contained little or no grape flavor. Misbranding was alleged for the further reason that the article was an artificially-colored and artificially-flavored product prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, grape flavor concentrate.

On January 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13043. Misbranding of graham crackers. U. S. v. the Merchants Biscuit Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 18463. I. S. Nos. 8532-v, 11331-v, 11332-v, 11333-v, 11334-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Merchants Biscuit Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in 5 consignments, namely, on or about November 20, December 3, and December 4, 1923, respectively, from the State of Colorado into the State of Wyoming, and on or about December 5, 1923, from the State of Colorado into the State of New Mexico, of quantities of graham crackers which were misbranded. Four consignments of the article were labeled in part: "Supreme Graham Crackers Made By The Merchants Biscuit Co. Denver Net Weight 2 Lbs." One consignment of the article was labeled in part: "Graham Merchants Supreme Crackers * * * The Merchants Biscuit Company, Denver, Minimum Net Weight 7¼ Oz. 'Supreme Brand.'"

Examination by the Bureau of Chemistry of this department of 24, 12, 36, and 24 packages from the different consignments of the alleged 2-pound packages showed an average-net weight of 1 pound 14.7 ounces, 1 pound 12.8 ounces, 1 pound 12.9 ounces, and 1 pound 13.2 ounces, respectively. Examination of

96 packages of the alleged $7\frac{1}{4}$ -ounce packages showed an average net weight of 6.7 ounces.

Misbranding of the article was alleged in the information for the reason that the statements "Net Weight 2 Lbs." and "Minimum Net Weight $7\frac{1}{4}$ Oz.," borne on the labels attached to the respective-sized packages, were false and misleading, in that the said statements represented that the packages weighed 2 pounds net weight or $7\frac{1}{4}$ ounces net weight, of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 2 pounds net weight, or $7\frac{1}{4}$ ounces net weight, of the article, as the case might be, whereas, in truth and in fact, the said packages did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 17, 1924, a plea of nolo contendere was entered to the information by the defendant company, and the court imposed a fine of \$100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13044. Adulteration of butter. U. S. v. 378 Cubes of Butter. Product ordered released under bond to be reworked. (F. & D. No. 18956. I. S. No. 11626-v. S. No. W-1534.)

On or about July 22, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 378 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Caldwell Creamery Co., Caldwell, Idaho, alleging that the article had been shipped from Caldwell, Idaho, on or about June 30, 1924, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent, milk fat, had been in part abstracted therefrom.

On September 18, 1924, the Caldwell Creamery Co., Caldwell, Idaho, having appeared as claimant for the property and having executed a bond in the sum of \$1,400, conditioned that the product be reworked to bring it into compliance with the law, a decree of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

13045. Adulteration of canned salmon. U. S. v. 99 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16861. S. No. C-3811.)

On September 27, 1922, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 cases of salmon, remaining in the original unbroken packages at Mobile, Ala., alleging that the article had been shipped by the Seaboard Commercial Co., from Seattle, Wash., June 26, 1922, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Norwest Brand Salmon * * * Seaboard Commercial Co. Seattle, Wash. U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13046. Misbranding and alleged adulteration of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19087. I. S. No. 2473-v. S. No. E-4996.)

On October 28, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., consigned by L. B. Lovitt & Co., Hazlehurst, Miss., alleging that the article had been shipped from Hazlehurst, Miss., September 23, 1924, and transported from the State of Mississippi into the State of New York, and charging adulteration in violation of the food and drugs act as amended. The article was labeled in part: "100 Pounds Net 'Lovit Brand.'"

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and containing excessive fiber had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the following statement regarding the said article, appearing in the labeling, "100 Pounds Net * * * 43% Cotton Seed Meal * * * Guaranteed Analysis Protein 43.00% * * * Fibre (Maximum) 10.00% Nitrogen (Equivalent to 8.37% Ammonia) 6.88%," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On December 11, 1924, the Hazlehurst Oil Mill & Fertilizer Co., Hazlehurst, Miss., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, and it was further ordered by the court that if the product be sold the sacks be relabeled, "42% protein, 11% fiber, 6.72% nitrogen (equivalent to 8.17% ammonia), 6% fat," and filled to the declared weight.

W. M. JARDINE, *Secretary of Agriculture.*

13047. Adulteration of shell eggs. U. S. v. Robert T. Blair. Tried to the court and a jury. Verdict of guilty. Fine, \$25. (F. & D. No. 17938. I. S. No. 5949-v.)

On January 17, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert T. Blair, Timpson, Tex., alleging shipment by said defendant, on or about July 2, 1923, in violation of the food and drugs act, from the State of Texas into the State of Louisiana, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From R. T. Blair * * * Timpson, Texas."

Examination by the Bureau of Chemistry of this department of the 1,080 eggs in the consignment showed that 380 eggs, or 35 per cent of those examined, were inedible, consisting of black rots, mixed or white rots, moldy eggs, spot rots, blood rings, and enlarged embryos.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On April 10, 1924, the case having come on for trial before the court and a jury, a verdict of guilty was returned, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

13048. Misbranding of stuffed olives and olives. U. S. v. 4 Cases of Stuffed Olives and 6 Cases of Olives. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18653. I. S. Nos. 12940-v, 12941-v. S. No. E-4829.)

On May 6, 1924, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases of stuffed olives and 6 cases of olives, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by James P. Smith & Co., New York, N. Y., in part on or about March

1, 1924, and in part on or about March 13, 1924, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contents 1 Lb."

Examination of the article by the Bureau of Chemistry of this department showed that the jars containing the said article contained less than 1 pound thereof.

Misbranding of the article was alleged in the libel for the reason that the labels bore the statement "Contents 1 Lb.," which statement was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1924, James P. Smith & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13049. Misbranding of sulfured oats. U. S. v. 300 Sacks of Sulfured Oats. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 18671. I. S. No. 18051-v. S. No. C-4385.)

On May 15, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of sulfured oats, remaining in the original unbroken packages at Hazlehurst, Miss., alleging that the article had been shipped by John Wade & Sons, from Memphis, Tenn., May 2, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "White Oats Sulphurized John Wade & Sons, Memphis, Tenn."

Misbranding of the article was alleged in the libel for the reason that the designation "White Oats," appearing in the labeling, was false and misleading and deceived and misled the purchaser, in that the said product was an admixture consisting of wild oats, barley, rye, chaff, and dirt and added foreign material. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 20, 1924, the Merchants Grocery Co., Hazlehurst, Miss., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,711.20, in conformity with section 10 of the act, conditioned in part that the said product be relabeled, "Diamond W. Sulphurized Oats and Screenings," under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

13050. Adulteration of canned strawberries. U. S. v. 182 Cases and 51 Cases of Canned Strawberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19205. I. S. Nos. 19115-v, 19116-v. S. No. C-4545.)

On November 25, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 233 cases of canned strawberries, at Chicago, Ill., alleging that the article had been shipped by the Graves Canning Co., Inc., from Woodburn, Oreg., July 2, 1923, and transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Graves Standard Strawberries * * * Packed by Graves Canning Co., Inc., Sheridan, Oregon." The remainder of the said article was labeled in part: (Can) "Richland Choice Strawberries * * * Oregon Growers Cooperative Assn. Salem, Oregon."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 13001 TO 13050

	N. J. No.		N. J. No.
A. D. S. kidney and bladder pills:		Feed, oats:	
American Druggists Syndicate	13015	Wade, J., & Sons-----	13049
Bladder pills:		tankage:	
American Druggists Syndicate	13015	Kornfalfa Feed Milling Co--	13004
Brazil nuts. <i>See</i> Nuts.		Swift & Co-----	13014
Butter:		Fish, salmon:	
Cabot Farmers Co-operative		Hidden Inlet Canning Co--	13018
Creamery-----	13023	Seaboard Commercial Co--	13045
Caldwell Creamery Co-----	13044	tuna:	
Dodge County Creamery-----	13013	Westgate Sea Products Co--	13029
Graham, P-----	13019	Flavor, grape soda water:	
Candy. <i>See</i> Confectionery.		Hurty, Peck & Co-----	13007
Catsup. <i>See</i> Tomato catsup.		Sethness Co-----	13038
Chestnuts. <i>See</i> Nuts.		Flour:	
Chocolate concentrate. <i>See</i> Concentrate.		Henderson Roller Mills Co--	13016
Chocolate pie compound:		Minneapolis Milling Co--	13031
White & Kleppinger-----	13024	Fruit in sugar:	
Coconut creme custard:		McNeil & Co-----	13041
White & Kleppinger-----	13024	Graham crackers. <i>See</i> Crackers.	
Concentrate, chocolate:		Grape concentrate. <i>See</i> Concentrate.	
Jack Beverages-----	13023	Grape soda water flavor. <i>See</i>	
grape:		Flavor.	
American Fruit Products Co--	13042	Hominy feed. <i>See</i> Feed.	
National Fruit Flavor Co--	13040	Kidney pills:	
Nav-O:		American Druggists Syndi-	
Ottens, H. H., Mfg. Co-----	13001	cate-----	13015
orange smash:		Lemon pie compound:	
Orange Smash Co-----	13017	White & Kleppinger-----	13024
Confectionery, candy:		Macaroon snaps:	
Merchants Biscuit Co-----	13022	Merchants Biscuit Co-----	13022
Cottonseed meal. <i>See</i> Feed.		Nav-O concentrate. <i>See</i> Concentrate.	
Crackers, graham:		Nuts, Brazil:	
Merchants Biscuit Co--	13022, 13043	Levy, B., & Co-----	13003
oatmeal:		chestnuts:	
Merchants Biscuit Co-----	13022	Cuneo Bros-----	13032
oyster:		Scaramelli Co-----	13006
Merchants Biscuit Co-----	13022	pecan:	
Eggs:		Central Pecan & Mercantile	
Blair, R. T-----	13047	Co-----	13030
Boone, Holmes & Co-----	13009	Oatmeal crackers. <i>See</i> Crackers.	
Ellis & Chapman-----	13035	Oats. <i>See</i> Feed.	
Fisher, W. T-----	13010	Olives:	
Prentiss County Farm Bu-		Smith, J. P., & Co-----	13048
reau-----	13034	Orange smash concentrate. <i>See</i> Con-	
St. Francis Equity Exchange-	13028	centrate.	
Williams, J. W-----	13027	Oyster crackers. <i>See</i> Crackers.	
Extract, vanilla:		Pecans. <i>See</i> Nuts.	
Leech, A. L., Co-----	13002, 13005	Preserves:	
Feed, barley:		McNeil & Co-----	13041
Cokato Milling Co-----	13037	Salmon. <i>See</i> Fish.	
cottonseed meal:		Strawberries, canned:	
Buckeye Cotton Oil Co-----	13008	Graves Canning Co-----	13050
Central Oil & Fertilizer Co--	13021	Tankage. <i>See</i> Feed.	
International Vegetable Oil		Tomato catsup:	
Co-----	13039	Brooks Tomato Products Co--	13036
Lovitt, L. B., & Co-----	13046	Tuna fish. <i>See</i> Fish.	
Nothern, W. C-----	13026	Vanilla extract. <i>See</i> Extract.	
hominy:		Vinegar:	
Corno Mills-----	13011	Douglas Packing Co--	13012, 13020
mixed:			
Mayo Milling Co-----	13033		

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13051-13100

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 29, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13051. Adulteration of tomato pulp. U. S. v. 897 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19456. I. S. No. 19132-v. S. No. C-4602.)

On December 30, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 897 cases of tomato pulp, at Chicago, Ill., alleging that the article had been shipped by the Gates Canning Co., from Gates, Ind., November 8, 1924, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Prairie Creek Brand Hand Packed Tomatoes * * * Packed By Gates Canning Co. Gates, Indiana."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13052. Misbranding of feed. U. S. v. Southern Oil & Feed Mills (Inc.). Plea of guilty. Fine, \$50. (F. & D. No. 18471. I. S. Nos. 953-v, 964-v.)

On September 16, 1924, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southern Oil & Feed Mills (Inc.), a corporation, Petersburg, Va., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about September 18 and November 23, 1923, respectively, from the State of Virginia into the State of North Carolina, of quantities of feed which was misbranded. The article in one shipment was labeled in part: "Gubernut Laying Feed The 2 in 1 Feed. * * * Guaranteed Analysis Protein 18% * * * Manufactured By Southern Oil & Feed Mills Inc. Petersburg, Virginia." The article in the other shipment was labeled in part: "Big Bone Hog Feed Guaranteed Analysis Crude Protein 18% * * * Manufactured by Southern Oil & Feed Mills Inc. Petersburg, Va."

Analysis of a sample of the Gubernut laying feed and of the Big Bone hog feed by the Bureau of Chemistry of this department showed that they contained 16.8 per cent and 16.3 per cent of crude protein, respectively.

Misbranding of the article was alleged in the information for the reason that the statement "Guaranteed Analysis Protein 18%," borne on the sacks containing a portion of the article, and the statement "Guaranteed Analysis Crude Protein 18%," borne on the tags attached to the sacks containing the remainder of the article, were false and misleading, in that the said statements represented that the article contained 18 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 18 per cent of protein, whereas it did contain less than 18 per cent of protein.

On October 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13053. Misbranding of peanut meal. U. S. v. 90 Sacks of Peanut Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19451. I. S. No. 21288-v. S. No. E-5081.)

On or about December 29, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 sacks of peanut meal, remaining in the original unbroken packages at Baltimore, Md., consigned about October 6, 1924, alleging that the article had been shipped by the Suffolk Oil Mill, from Suffolk, Va., and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Pounds Peanut Meal Manufactured By Suffolk Oil Mill Suffolk, Va., Guaranteed Analysis Protein 41 per cent * * * Made From Shelled Peanuts."

Misbranding of the article was alleged in the libel for the reason that the label bore the statement "Guaranteed Analysis Protein 41 per cent," which was false and misleading and deceived and misled the purchaser.

On February 9, 1925, the Suffolk Oil Mill, Suffolk, Va., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until correctly labeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13054. Adulteration and misbranding of canned peas. U. S. v. 65 Cartons of Peas. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19525. I. S. No. 17122-v. S. No. E-5109.)

On January 22, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 cartons of peas, remaining in the original unbroken packages at Allentown, Pa., consigned by the G. L. Webster Canning Co., Cheriton, Va., alleging that the article had been shipped from Cheriton, Va., on or about July 16, 1924, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Bay Side Brand Sifted Early June Peas * * * Packed By G. L. Webster Canning Co. Cheriton, Va."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Peas" was false and misleading and deceived and misled the purchaser.

On February 9, 1925, the G. L. Webster Canning Co., Cheriton, Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13055. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18617. I. S. No. 12938-v. S. No. E-4818.)

On April 24, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the F. Hellerick Co., from Philadelphia, Pa., on or about March 20, 1924, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tub) "From Frank Hellerick & Co. * * * Philadelphia, Pa."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article, and for the further reason that a valuable constituent of the article, butterfat, had been abstracted. Adulteration was also alleged for the reason that the article consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On February 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13056. Misbranding and alleged adulteration of vinegar. U. S. v. 34 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15501. I. S. No. 3148-t. S. No. C-3254.)

On October 26, 1921, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 barrels of vinegar, remaining unsold in the original packages at Louisville, Ky., consigned by the Douglas Packing Co., August 19, 1921, from Fairport, N. Y., alleging that the article had been shipped from Fairport, N. Y., and transported from the State of New York into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Douglas Packing Co. Rochester, N. Y., Excelsior Brand Apple Cider Vinegar Made From Selected Apples Reduced To 4 Per Centum. Guaranteed To Comply With All Pure Food Laws Douglas Packing Company Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Apple Cider Vinegar Made from Selected Apples," appearing in the labeling, was false and misleading and deceived and misled the purchaser, in that the said article contained barium. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 22, 1924, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13057. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19535. I. S. No. 19098-v. S. No. C-4621.)

On January 23, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 240 sacks of potatoes, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by J. R. Beggs & Co., from Dallas, Wis., January 15, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. Grade No. 1."

Misbranding of the article was alleged in the libel for the reason that the statement "United States Grade No. 1," appearing in the labeling, was false and misleading and deceived and misled the purchaser, since the product did not meet the requirements of United States Grade No. 1 potatoes.

On January 24, 1925, Bacon Bros., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the words "U. S. Grade No. 1" be eliminated from the labels under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13058. Adulteration and misbranding of tomato paste. U. S. v. 125 Cases, et al., of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19452, 19453, 19455. I. S. Nos. 13855-v, 13856-v. S. Nos. E-5082, E-5083.)

On December 30, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 214 cases of tomato paste, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Francisco, Calif., October 30, 1924, and transported from the State of California into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Stella del Pacifico Pacific Star Brand Salsina Concentrated Tomato Sauce * * * Packed & Guaranteed By Hershel Cal. Fruit Products Company San Jose, Calif."

Adulteration of the article was alleged in the libels for the reason that a substance, an artificially-colored tomato paste, or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the said cans, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce containing color not declared upon the label.

On January 23, 1925, the cases having been consolidated into one cause of action, and C. L. Jones & Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13059. Misbranding of butter. U. S. v. 11 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19122. I. S. No. 18756-v. S. No. C-4511.)

On or about October 20, 1924, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 cases, each containing 30 cartons, of butter, alleging that the article had been shipped by the Beatrice Creamery Co., St. Louis, Mo., on or about October 14, 1924, and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Full Weight."

Misbranding of the article was alleged in substance in the libel for the reason that the cartons were short of the weight branded and labeled on the said cartons.

On January 5, 1925, R. H. Coffman, Little Rock, Ark., having appeared as claimant for the property and having consented to the entry of a decree, judg-

ment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, and upon the addition of sufficient butter to each pound so that its weight should comply with the statements on the label.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13060. Adulteration of frozen egg yolk. U. S. v. 784 Tins of Frozen Egg Yolk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18536. I. S. No. 13133-v. S. No. E-4774.)

On April 7, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 784 tins of frozen egg yolk, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fairmont Creamery Co., from Spokane, Wash., December 26, 1923, and transported from the State of Washington into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On February 3, 1925, the Fairmont Creamery Co., Spokane, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13061. Adulteration of cut stringless beans. U. S. v. 520 Cases of Cut Stringless Beans. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. Nos. 19361, 19362, 19363, 19364, 19365, 19366. I. S. Nos. 22792-v, 22793-v, 22794-v, 22795-v. S. No. C-4559.)

On December 5, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 520 cases of cut stringless beans, remaining unsold in the original packages at St. Louis, Mo., alleging that the article had been shipped by the Litteral Canning Co., Fayetteville, Ark., on or about October 16, 1924, and transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Licano Cut Stringless Beans Packed By Litteral Canning Co. Fayetteville, Ark." The remainder of the said article was labeled in part: "Stringless Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 29, 1925, the Litteral Canning Co., Fayetteville, Ark., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product liable to condemnation and forfeiture, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13062. Adulteration and misbranding of cottonseed meal. U. S. v. Empire Cotton Oil Co. Plea of guilty. Fine, \$450. (F. & D. No. 18092. I. S. Nos. 3168-v, 3173-v, 3196-v.)

On April 17, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Empire Cotton Oil Co., a corporation, trading at Cordele, Ga., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about October 27, November 20, and November

27, 1922, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal which was adulterated and misbranded. One consignment of the product was labeled in part: (Tag) "Gilt Edge Brand Cotton Seed Meal Manufactured By Empire Cotton Oil Co. Home Office, Atlanta, Ga. Guaranteed Analysis: Protein (6.25 times Nitrogen) 36.00% (Equivalent to Ammonia 7.00%) Fibre 14.00%." Another consignment of the product was labeled in part: (Tag) "Second Class Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00% (Equivalent 7% ammonia) * * * Crude Fibre (maximum) 14.00%." The remaining consignment of the product was labeled in part: (Tag) "Second Class Cotton Seed Meal * * * Guaranteed Analysis 100 lbs. Ammonia (actual and potential) 7.00% (Equivalent to 36% protein)."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the consignment of October 27, 1922, contained 35 per cent of protein, 6.8 per cent of ammonia, and 14.9 per cent of fiber, the consignment of November 20, 1922, contained 34.5 per cent of protein, 6.7 per cent of ammonia, and 14.9 per cent of crude fiber, the consignment of November 27, 1922, contained 35 per cent of protein and 6.8 per cent of ammonia.

Adulteration of the article was alleged in the information for the reason that cottonseed feed had been substituted for cottonseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cotton Seed Meal * * * Guaranteed Analysis: Protein (6.25 times Nitrogen) 36.00% (Equivalent to Ammonia 7.00%) Fibre 14.00%," "Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00% * * * Crude Fibre (maximum) 14.00%," and "Cotton Seed Meal * * * Guaranteed Analysis Ammonia (actual and potential) 7.00% (Equivalent to 36% protein)," borne on the tags containing the respective consignments of the product, were false and misleading, in that the said statements represented that the article was cottonseed meal, to wit, a product which should contain not less than 36 per cent of protein, that it contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and that the consignments of October 27 and November 20, 1922, respectively, contained not more than 14 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal, to wit, a product which should contain not less than 36 per cent of protein, that it contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and that the consignments of October 27 and November 20, 1922, respectively, contained not more than 14 per cent of crude fiber, whereas the said article was not cottonseed meal, in that it contained less than 36 per cent of protein, and the said consignments of October 27 and November 20, 1922, respectively, contained more than 14 per cent of crude fiber. Misbranding was alleged with respect to the product consigned November 20, 1922, for the further reason that it was a product which contained less than 36 per cent of protein, prepared in imitation of cottonseed meal, a product which should contain not less than 36 per cent of protein, and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed meal.

On January 7, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$450.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13063. Misbranding and alleged adulteration of tomato paste. U. S. v. 46 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19167. I. S. No. 20980-v. S. No. W-1609.)

On November 17, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 46 cases of tomato paste, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Orden Lumber Co., San Francisco, Calif., September 13, 1924, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose Cal. * * * Salsa di Pomodoro," (case) "Tomato Sauce."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste or pulp had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Tomato Pulp" and "Salsa di Pomodoro," borne on the labels, were false and misleading and deceived and misled the purchaser.

On December 15, 1924, the Greco Canning Co., San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13064. Misbranding and alleged adulteration of tomato paste. U. S. v. 29 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19152. I. S. No. 20978-v. S. No. W-1606.)

On November 14, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 cases of tomato paste, consigned October 8, 1924, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Greco Canning Co., from San Jose, Calif., and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Sauce Packed By Greco Canning Co. San Jose * * * Cal. * * * Salsa di Pomodoro," (case) "Tomato Pulp."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Salsa Di Pomodoro" were false and misleading and deceived and misled the purchaser.

On December 15, 1924, the Greco Canning Co., San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13065. Misbranding of poultry feed. U. S. v. 34 Sacks of Poultry Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19414. I. S. No. 21280-v. S. No. E-5070.)

On December 22, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 sacks of poultry feed, remaining in the original unbroken packages at Frederick, Md., consigned about July 22, 1924, alleging that the article had been shipped by the Mutual Rendering Co. (Inc.), from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Mureco Animal Products 55 Protein * * * Guaranteed Analysis Protein 55% Min. Manufactured By Mutual Rendering Co. Inc. Philadelphia, Pa."

Misbranding of the article was alleged in the libel for the reason that the statements "55 Protein Guaranteed Analysis Protein 55% Min.," appearing in the labeling, were false and misleading and deceived and misled the purchaser, in that they represented that the said article contained 55 per cent of protein, whereas it contained a less amount.

On February 4, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13066. Adulteration and misbranding of oats. U. S. v. 150 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18795. I. S. No. 19529-v. S. No. E-3935.)

On June 18, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 sacks of oats, remaining in the unbroken packages at Bremen, Ga., alleging that the article had been shipped by Thistlewood & Co., from Cairo, Ill., on or about June 12, 1924, and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Crescent Brand Sample Oats Sulphur Bleached."

Adulteration of the article was alleged in the libel for the reason that corn, ergot, barley, wheat, weed seeds, wild oats, and dirt had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the designation "Sample Oats" was false and misleading and deceived and misled the purchaser into the belief that the article was sample oats, whereas it was not but was a mixture of corn, ergot, barley, wheat, weed seeds, wild oats, chaff, and dirt. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, sample oats.

On June 23, 1924, Thistlewood & Co., Cairo, Ill., having appeared as claimants for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled "Mixed grain, composed of oats, corn, ergot, barley, wheat, weed seeds, wild oats, chaff, and dirt."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13067. Adulteration and misbranding of prepared mustard. U. S. v. 3½ Barrels and 3 Barrels of Prepared Mustard. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18835, 18836. I. S. Nos. 12712-v, 12716-v. S. No. E-4884.)

On July 15, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 6½ barrels of prepared mustard, remaining in the original unbroken packages at Baltimore, Md., consigned in part February 11, 1924, and in part March 27, 1924, alleging that the article had been shipped by A. Luedemann (Inc.), from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Prepared Mustard Composed Of Mustard Seed Bran Vinegar Salt Spices Turmeric Etc."

Adulteration of the article was alleged in the libels for the reason that a substance, added mustard bran, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Prepared Mustard" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On January 28, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13068. Adulteration and misbranding of tuna fish. U. S. v. 850 Cases of Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18873. I. S. No. 12951-v. S. No. E-4852.)

On July 2, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 850 cases of tuna fish, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Curtis Corporation, from Long Beach, Calif., April 22, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Curtis Quality White Tuna Meat Packed By The Curtis Corporation, Long Beach, Cal. 6½ Oz. Net Contents."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been substituted in part for the said article.

Misbranding was alleged for the reason that the packages containing the article bore a statement "Tuna," which was false and misleading when applied to a product which contained excessive cottonseed oil and was deficient in fish, for the further reason that it was labeled so as to deceive and mislead the purchaser, in that it contained excessive cottonseed oil, and for the further reason that the contents of the packages containing the article were not plainly and correctly stated on the outside thereof.

On January 23, 1925, Daniel Reeves (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$8,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by pasting on the labels a sticker bearing the statements "Slack Filled. Contents 4¾ Ounces Tuna Meat. Should contain not less than 5½ ounces Tuna Meat. Contents Tuna and Oil 6½ ounces."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13069. Adulteration and misbranding of cottonseed meal. U. S. v. Elk City Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19301. I. S. No. 5247-v.)

On January 23, 1925, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Elk City Cotton Oil Co., a corporation, Elk City, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about February 8, 1924, from the State of Oklahoma into the State of New Mexico, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: (Tag) "Elko Brand Cotton Seed Cake or Meal Elk City Cotton Oil Co. Elk City, Okla. Guaranteed Analysis Crude Protein (minimum) 43 per cent * * * Crude Fibre (maximum) 10 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39.5 per cent of protein and 11.5 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance containing less than 43 per cent of crude protein and more than 10 per cent of crude fiber had been substituted for a substance guaranteed to contain not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cotton Seed Cake or Meal * * * Guaranteed Analysis Crude Protein (minimum) 43 per cent * * * Crude Fibre (maximum) 10 per cent," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, whereas said article contained less than 43 per cent of crude protein and more than 10 per cent of crude fiber.

On February 3, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13070. Adulteration of canned sardines. U. S. v. 21 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19379. I. S. No. 16945-v. S. No. E-5046.)

On December 12, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 cases of sardines, remaining in the original unbroken packages at Boston, Mass., consigned by the Bayshore Sardine Co., Columbia, Me., alleging that the article had been shipped from Columbia, Me., August 20, 1924, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "B. & S. Brand American Sardines in Cotton Seed Oil Packed By Bayshore Sardine Co. Addison, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On January 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13071. Adulteration of canned tomatoes. U. S. v. 99 Cases of Canned Tomatoes. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 19388. I. S. No. 13406-v. S. No. E-5049.)

On December 18, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 cases of canned tomatoes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Thos. Roberts & Co., from McDaniel, Md., on or about October 31, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On February 5, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution for consumption but not for sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13072. Misbranding of digester tankage. U. S. v. 91 Sacks of Digester Tankage. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19036. I. S. No. 9107-v. S. No. C-4498.)

On September 29, 1924, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 91 sacks of digester tankage, remaining in the original unbroken packages at Orestes, Ind., alleging that the article had been shipped by G. A. Tasker Co., Blue Island, Ill., on or about September 28, 1924 [March 6, 1924], and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "100 Lbs. Byutico Brand Digester Tankage Analysis Protein 60.00% * * * Manufactured By By-Products Utilization Co. Factory Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 60.00%," borne on the said sacks, was false and misleading and was calculated to deceive and mislead the purchaser, in that the said product did not contain 60 per cent of protein but did contain a smaller amount.

On February 5, 1925, the Urmston Grain & Seed Co., Orestes, Ind., having appeared as claimant for the property and having paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13073. Adulteration and misbranding of butter. U. S. v. 25 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16788. I. S. No. 3075-v. S. No. E-4160.)

On September 6, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of butter, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by the Union Springs Creamery, Union Springs, Ala., on or about August 22, 1922, and transported from the State of Alabama into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Creamery Butter One Pound."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article to wit, butterfat, had been in whole or in part abstracted therefrom.

Misbranding was alleged for the reason that the packages or labels bore a statement, to wit, "Pure Creamery Butter One Pound," which was false and misleading and deceived and misled the purchaser, for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement on the said packages, to wit, "One Pound," was incorrect.

On September 29, 1922, the Union Springs Creamery, Union Springs, Ala., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, and it was further ordered that the product be reworked and relabeled in compliance with law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13074. Misbranding and alleged adulteration of tomato paste. U. S. v. 900 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19220. I. S. Nos. 19062-v, 19063-v. S. No. C-4552.)

On December 3, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 900 cases of tomato paste, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Jose, Calif., November 3, 1924, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce * * * Packed By Hershel Cal. Fruit Prod. Co. San Jose, Cal." A portion of the article was contained in cases labeled in part: "Contadina Brand Tomato Paste Hershel California Fruit Products Co. San Jose, Calif."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored product had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Tomato Paste," appearing in the labeling, were false and misleading and deceived and misled the purchaser when applied to a tomato sauce or tomato paste containing artificial color.

On February 5, 1925, G. Matalone, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and order-

ing its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be labeled "Artificially Colored" in conspicuous type.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13075. Adulteration of canned string beans. U. S. v. 1,000 Cases of String Beans. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19151. I. S. Nos. 22790-v, 22791-v. S. No. C-4529.)

On November 11, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of string beans, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Appleby Bros., Hivasse, Ark., on or about July 28, 1924, and transported from the State of Arkansas into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Western Star Put Up By Appleby Bros. Fayetteville, Ark. * * * Cut String Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 29, 1925, Appleby Bros., Fayetteville, Ark., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product liable to condemnation and forfeiture, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,200, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13076. Adulteration and misbranding of tomato paste. U. S. v. 237 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19437, 19438. I. S. No. 22800-v. S. No. C-4587.)

On December 26, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 237 cases of tomato paste, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hershel California Fruit Products Co., San Jose, Calif., on or about September 12, 1924, and transported from the State of California into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce * * * Packed By Hershel Cal. Fruit Prod. Co. Packers Of Contadina Brand San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," appearing on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato paste or sauce containing artificial color not declared upon the label.

On February 4, 1925, V. Viviano & Bros., Macaroni Mfg. Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13077. Adulteration and misbranding of orange smash concentrate. U. S. v. 100 Gallons Orange Smash Concentrate. Decree entered, ordering product released under bond to be relabeled. (F. & D. No. 19010. I. S. Nos. 2497-v. 2498-v. S. No. E-3940.)

On or about September 26, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 gallons of orange smash concentrate, at Pittsburgh, Pa., alleging that the article had been shipped by the Orange Smash Co., from Birmingham, Ala., in part on or about July 29, 1924, and in part on or about August 1, 1924, and transported from the State of Alabama into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping tag) "From Orange Smash Company Birmingham, Alabama Orange Smash" (design of oranges) "1 Barrel Concentrate Contains Oil Of Ripe Oranges Sugar and Water."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored and artificially-colored imitation product had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the designation "Orange Smash" and the design of oranges, appearing on the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of another article.

On September 26, 1924, the Orange Smash Co., Birmingham, Ala., having appeared as claimant for the property and having admitted the allegations of the libel, an order of the court was entered, permitting the release of the product to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13078. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19538. I. S. No. 19099-v. S. No. C-4624.)

On January 27, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 240 sacks of potatoes, at Chicago, Ill., alleging that the article had been shipped by J. R. Beggs & Co., from Dallas, Wis., January 17, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "U. S. Grade No. 1 Potatoes."

Misbranding of the article was alleged in the libel for the reason that the statement in the labeling "United States Grade No. 1" was false and misleading and deceived and misled the purchaser, since the said article did not meet the requirements of United States Grade No. 1 potatoes.

On January 28, 1925, Bacon Bros., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled by eliminating the words "U. S. Grade No. 1" from the sacks under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13079. Adulteration of canned blueberries. U. S. v. 4½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18338. I. S. No. 15368-v. S. No. E-4742.)

On May 7, 1924, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4½ cases of blueberries, at Burlington, Vt., consigned by E. M. Frye Packing Co., Harrington, Me., about September 20, 1923, alleging that the article was being shipped from the State of Maine into the State of Ver-

mont in a decomposed and adulterated condition. The article was labeled in part: "Pigeon Brand Blueberries Contents 6 Lbs. 6 Oz. Packed By E. M. Frye Packing Co. Harrington, Me."

On November 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13080. Misbranding of Gary's vegetable ointment. U. S. v. 5 Bottles, et al., of Dr. Gray's (Gary's) Vegetable Ointment. Decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18170, 18171, 18172, 18174. I. S. Nos. 7328-v, 7330-v, 7334-v, 7336-v. S. Nos. C-4222, C-4223, C-4224, C-4226.)

On December 15, 1923, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on April 7, 1924, amended libels, praying the seizure and condemnation of 27 bottles of Dr. Gray's (Gary's) vegetable ointment, in various lots, at Tupelo, West Point, Starkville, and Iuka, Miss., respectively, alleging that the said lots of the article had been shipped by the Sloan & Spencer Medicine Co., from Birmingham, Ala., on or about the respective dates of February 5, May 16, July 10, and October 25, 1923, and transported from the State of Alabama into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted of two immiscible liquids, the lighter of which consisted mainly of kerosene, and the heavier, of alcohol; both contained turpentine oil, camphor, and menthol.

Misbranding of the article was alleged in the libels for the reason that the statement, borne on the label, "Vegetable Ointment" was false and misleading, since the said ointment consisted principally of kerosene and alcohol with a small amount of turpentine, camphor, and menthol. Misbranding was alleged for the further reason that the packages or labels failed to bear a true statement of the quantity or proportion of alcohol contained in the article.

Misbranding was alleged in the libels as amended for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, (carton) "Dr. Gary's Vegetable Ointment is recommended for all of the chief ailments known to the human system.

* * * benefits received, in treatment of nearly every disease known to the human system, * * * Chills, * * * Fever, Typhoid, Pneumonia or Bloat caused by malaria * * * Night Sweats," (booklet) "Dr. Gary's Vegetable Ointment * * * Service to Suffering Humanity From Rheumatism, Lumbago, Stomach Trouble, Kidney Trouble, Constipation, Liver Trouble, Yellow Jaundice, * * * Cramps, Malaria, Chills, Fever, Pellagra, Eczema, Sores, Corns, Bunions, * * * gives life instead of destroying it. * * * extracts the root of the disease. * * * relieves all of the chief ailments known to infest the human system by removing the cause. * * * dropsy, rheumatism and various other so called ailments, * * * a clogged liver or weak kidneys * * * is known to produce more cures among all ages than any other medicine * * * This is * * * an established fact. No matter how long standing * * * will relieve you * * * It will immediately enter into the system, destroying the disease germs, purifying the blood and building up the entire system to a state of perfect health. For catarrh of the head and throat, * * * In * * * Chills and Fever, Typhoid, Pneumonia or Bloat, caused by Malaria * * * If the bowels are swollen from typhoid, pneumonia or chills, increase the application until relief is obtained * * * "a medicine that will cure your rheumatism." * * * an awful cold and cough * * * left arm was paralyzed from the shoulder down and * * * could not use it at all for three months. * * * After a week's application the arm was perfectly all right * * * heart trouble, high blood pressure and rheumatism. * * * ovarian neuralgia. * * * rheumatic paralysis or kidney trouble, * * * liver, kidney and heart trouble, * * * liver was so swollen that his ribs were bent outward * * * swelling has gone from his liver * * * my liver was dead. * * * convulsions * * * bearing down pain * * * neuritis * * * cold and side pleurisy * * * caused his leg to swell to twice its original size; * * * trouble * * * was non-circulation of the blood or rheumatism, * * * swollen all over * * * pains

and aches in all her joints; * * * swollen bowels. * * * all swollen and caked * * * kidney trouble and piles. * * * risings all over my body * * * slow fevers * * * bowels began to enlarge gradually, * * * tonsilitis * * * bleeding piles. * * * appendicitis. * * * a tumor * * * kidney and gall stones; * * * milk leg * * * Spanish influenza * * * inflammatory rheumatism * * * hemorrhage of the lungs * * * rheumatism and weak kidneys * * * helped my hearing, * * * breaking out on her hands and * * * splotches on her face * * * neuritis (kidney disease), with high blood pressure. * * * high blood pressure and some Bright's * * * severe cough and night sweats," were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 7, 1924, no claimant having appeared for a portion of the product and the claimants for the remainder of the said product having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by the United States marshal,

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13081. Misbranding of peanut meal. U. S. v. 340 Bags of Peanut Meal. Decree entered, ordering product released under bond to be relabeled. (F. & D. No. 19429. I. S. No. 21287-v. S. No. E-5073.)

On December 23, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 340 bags of peanut meal, remaining in the original unbroken packages at Baltimore, Md., consigned in part about August 5, 1924, and in part about October 23, 1924, alleging that the article had been shipped by the Suffolk Oil Mill, Suffolk, Va., and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Manufactured By Suffolk Oil Mill Suffolk, Va. Guaranteed Analysis: Protein 41 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement, appearing in the labeling, "Guaranteed Analysis: Protein 41 per cent" was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 41 per cent of protein, whereas it contained a less amount.

On January 31, 1925, the Suffolk Oil Mill, Suffolk, Va., having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, and it was further ordered by the court that the product not be disposed of until properly relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13082. Misbranding and alleged adulteration of tomato paste. U. S. v. 392 (457) Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19219. I. S. No. 19061-v. S. No. C-4547.)

On December 8, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 457 cases of tomato paste, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Jose, Calif., October 22, 1924, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Naples Style Tomato Sauce Contadina Brand * * * Packed By Hershel Cal. Fruit Prod. Co. * * * San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored product had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce or paste containing artificial color.

On January 24, 1925, A. Morici, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled "Artificially Colored."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13083. Adulteration of minced clams. U. S. v. 500 Cases and 1,400 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. Nos. 18890, 18891. I. S. Nos. 20697-v, 20698-v. S. Nos. W-1542, W-1543.)

On August 6, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,900 cases of minced clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Cordova Packing Co., from Cordova, Alaska, in part July 16, 1924, and in part July 22, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water or brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 29, 1925, G. P. Halferty Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13084. Misbranding of cottonseed cake. U. S. v. Conway Oil & Ice Co. Plea of guilty. Fine, \$100. (F. & D. No. 17619. I. S. No. 10438-v.)

On September 28, 1923, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Conway Oil & Ice Co., a corporation, Conway, Ark., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 2, 1922, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "Weight 100 Pounds Net 'Chickasha Prime' Cottonseed Cake or Meal."

Examination of 60 sacks of the article by the Bureau of Chemistry of this department showed that the average net weight of the sacks examined was 97.33 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Weight 100 Pounds Net," borne on the sacks containing the article, was false and misleading, in that the said statement represented that each of said sacks contained 100 pounds net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 100 pounds net weight of the article, whereas each of said sacks did not contain 100 pounds net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13085. Misbranding of assorted preserves. U. S. v. 130 Cases of Assorted Preserves. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19130. I. S. No. 20701-v. S. No. W-1600.)

On November 14, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 130 cases of assorted preserves, remaining in the original unbroken packages at Denver, Colo., consigned by the Wheeler-Barnes Co., Minneapolis, Minn., alleging that the articles had been shipped from Minneapolis, Minn., on or about July 31, 1924, and transported from the State of Minnesota into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "Net Weight 1 Lb. Berry-Select Brand Apple Pectin And Strawberry Preserves 55% Sugar, 25% Strawberry, 20% Apple Packed By Wheeler-Barnes Company, Minneapolis, Minn." (or "Raspberry" or "Loganberry" or "Blackberry").

Misbranding of the articles was alleged in the libel for the reason that the statements "Apple Pectin And Strawberry" (or "Raspberry," "Loganberry," or "Blackberry") "Preserves," borne on the labels of the respective containers of the said articles, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked and correctly stated on the outside of the packages.

On January 5, 1925, the H. A. Marr Grocery Co., Denver, Colo., claimant, having admitted the allegations of the libel and consented to the entry of a decree and having offered to pay the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13086. Adulteration and misbranding of tomato paste. U. S. v. 14½ Cases of Tomato Paste. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. Nos. 19393, 19394, 19395. I. S. Nos. 21047-v, 21049-v, 21050-v. S. No. W-1622.)

On December 18, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14½ cases of tomato paste, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Parodi, Erminio & Co. (Inc.), from San Francisco, Calif., on or about October 21, 1924, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Sauce Packed by Greco Canning Co. San Jose, Santa Clara County, Cal. * * * Di-Lusso Brand Salsa Di Pomodoro."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Tomato Sauce" and "Salsa Di Pomodoro," borne on the labels, were false and misleading and deceived and misled the purchaser.

On February 11, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable institutions for use as food.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13087. Adulteration and misbranding of tomato sauce. U. S. v. 163 Cases and 162 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19216. I. S. Nos. 20354-v, 20355-v. S. No. W-1615.)

On December 2, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 325 cases of tomato sauce, at San Francisco, Calif., alleging that the article was being shipped in interstate commerce from San Francisco, Calif., to the Territory of Hawaii, leaving San Francisco December 3, 1924, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Spanish Style Tomato Sauce Packed And Guaranteed By Greco Canning Co. Inc. San Jose, California."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce containing artificial color not declared upon the label.

On January 13, 1925, the Greco Canning Co., San Jose, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13088. Adulteration and misbranding of assorted jams. U. S. v. 58 Cases and 20 Cases of Jam. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18838. I. S. Nos. 17963-v, 17964-v, 17965-v, 17966-v, 17967-v, 17968-v, 17969-v, 17970-v, 17971-v, 17972-v, 17973-v, 17974-v. S. No. C-4434.)

On July 19, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 58 cases, containing 1 pound 6 ounce size bottles, and 20 cases, containing 2 pound 11 ounce size bottles, of assorted jams, remaining in the original unbroken packages at Davenport, Iowa, alleging that the articles had been shipped by the Best-Clymer Co., from St. Louis, Mo., on or about June 7, 1924, and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Bottle) "Tre-Vyn Brand * * * Corn Syrup-Fruit Pectin Compound And Strawberry Jam" (or "Raspberry Jam" or "Blackberry Jam" or "Plum Jam" or "Loganberry Jam" or "Peach Jam" or "Pineapple Jam") "With Cane Sugar—Artificial Color & Phosphoric Acid Added * * * The Best-Clymer Company, St. Louis, Mo."

Adulteration of the articles was alleged in the libel for the reason that an imitation product, with respect to the peach and pineapple jams, and an artificially colored imitation product, with respect to the remainder of the jams, had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality or strength, and had been substituted wholly or in part for the said articles. Adulteration was alleged with respect to the said products, with the exception of the said peach and pineapple jams, for the further reason that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Strawberry Jam," "Raspberry Jam," "Blackberry Jam," "Plum Jam," "Loganberry Jam," "Peach Jam," and "Pineapple Jam," borne on the labels of the respective products, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On October 2, 1924, all parties in interest having been declared in default, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be sold by the United States marshal. On October 30, 1924, the Best-Clymer Co., St. Louis, Mo., having appeared as claimant for the property and having applied for permission to relabel the condemned goods, it was ordered by the court that the products be released to the claimant upon the execution of a bond in the sum of \$500, conditioned in part that they be relabeled in compliance with law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13089. Adulteration and misbranding of wheat grey shorts. U. S. v. 500 Sacks of Grey Shorts. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19392. I. S. No. 18766-v. S. No. C-4570.)

On December 17, 1924, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of grey shorts, remaining in the original unbroken packages at East St. Louis, Ill., consigned by the Domestic Milling Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about November 29, 1924, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Wheat Grey Shorts & Screenings Not Exceeding 8% Screenings * * * Licensed and registered by The Kansas Flour Mills Company Kansas City, U. S. A."

It was alleged in the libel that the article was adulterated in violation of section 7 of said act, paragraph second under food, in that it consisted wholly or in part of reground bran, contained excess fiber, and was not grey shorts.

Misbranding was alleged for the reason that the designation "Wheat Grey Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that it was sold under the distinctive name of another article.

On January 21, 1925, the Dixie Mills Co., East St. Louis, Ill., having appeared as claimant for the property, a decree was entered, finding the product liable to condemnation and forfeiture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,600, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13090. Adulteration and misbranding of wheat grey shorts. U. S. v. 500 Sacks of Grey Shorts. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19391. I. S. No. 22797-v. S. No. C-4571.)

On December 17, 1924, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of grey shorts, remaining in the original unbroken packages at East St. Louis, Ill., consigned by the Hoyland Flour Mills, from Kansas City, Mo., alleging that the article had been shipped on or about November 22, 1924, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Wheat Grey Shorts & Screenings Not Exceeding 8% Screenings * * * Licensed and registered by The Kansas Flour Mills Company Kansas City, U. S. A."

It was alleged in the libel that the article was adulterated in violation of section 7 of said act, paragraph second under food, in that it consisted wholly or in part of reground bran, contained excess fiber, and was not grey shorts.

Misbranding was alleged for the reason that the designation "Wheat Grey Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that it was sold under the distinctive name of another article.

On January 21, 1925, the Dixie Mills Co., East St. Louis, Ill., having appeared as claimant for the property, a decree was entered, finding the product liable to condemnation and forfeiture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,600, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13091. Misbranding of mixed feed. U. S. v. Roy M. Houston and Paul F. Eve (Nashville Grain & Feed Co.). Plea of guilty. Fine, \$100. (F. & D. No. 13888. I. S. No. 277-r.)

On December 23, 1920, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Roy M. Houston and Paul F. Eve, copartners, trading as the Nashville Grain

& Feed Co., Nashville, Tenn., alleging shipment by said defendants, in violation of the food and drugs act, on or about November 21, 1919, from the State of Tennessee into the State of North Carolina, of a quantity of mixed feed which was misbranded. The article was labeled in part: "100 Lbs. No. 1 Mixed Feed Manufactured by Nashville Grain And Feed Co., Nashville, Tenn. Protein 18.00 Fat 4.00."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 15.9 per cent of protein and 3.4 per cent of fat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Protein 18.00, Fat 4.00," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 18 per cent of protein and not less than 4 per cent of fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 18 per cent of protein and not less than 4 per cent of fat, whereas, in truth and in fact, it did contain less than 18 per cent of protein and less than 4 per cent of fat.

On April 17, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13092. Alleged adulteration and misbranding of olive oil. U. S. v. Demetrius Marmarelli, Nicholas Katramados, and Peter Marmarelli (Marmarelli Bros. & Katramados). Information abated by death as to Peter Marmarelli. Tried to the court and a jury. Misbranding charge dismissed by court. Verdict of not guilty on adulteration charge. (F. & D. No. 18469. I. S. No. 10601-v.)

On May 5, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Demetrius Marmarelli, Nicholas Katramados, and Peter Marmarelli, copartners, trading as Marmarelli Bros. & Katramados, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, on or about September 12, 1922, from the State of New York into the State of Massachusetts, of a quantity of olive oil which was alleged to be adulterated and misbranded. The article was labeled in part: (Tag) "Marmarelli Bros. & Katramados" (design showing two barrels with statement "M B & K Pure Olive Oil" on heads) "New York."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was olive oil mixed with approximately 40 per cent of cottonseed oil.

It was alleged in the information that the article was adulterated, in that a substance, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted for olive oil, which the article purported to be.

It was further alleged that the article was misbranded, in that the statement, to wit, "Pure Olive Oil," borne on the tag attached to the barrel containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of pure olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure olive oil, whereas it did not so consist but did consist in part of cottonseed oil. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On June 13, 1924, the information having been abated by death as to Peter Marmarelli, the case against the remaining defendants came on for trial before the court and a jury. On motion of counsel for the defense, the second count of the information, involving the alleged misbranding of the product, was ordered dismissed by the court. After the submission of evidence and arguments by counsel, the court delivered the following charge to the jury (Clayton, D. J.):

"Gentlemen of the Jury: I call your attention to elementary and familiar rules, which will govern you in your consideration of this case.

"Every man is presumed when charged with a crime to be innocent, and that presumption of innocence goes with him and protects him until, or unless, it is overcome by evidence which convinces the jury beyond a reasonable doubt—

that is, to a moral certainty—that he is guilty as charged. Then the presumption no longer protects him, because that presumption is overcome by proof that convinces a jury to a moral certainty that he is guilty.

"Now, it is for you to judge of the evidence in this case, and, in the light of that presumption, has the evidence satisfied you beyond a reasonable doubt that the defendants are guilty as charged—satisfied you to a moral certainty that they are guilty as charged in the first count of this information.

"Now, you want to know what is the duty of the Government. It is the duty of the Government to prove the charge made against the defendants and to prove it beyond a reasonable doubt, for otherwise they are entitled to an acquittal. They are not required to prove their innocence, but the Government must establish by the evidence, beyond a reasonable doubt, their guilt, or else they are entitled to an acquittal.

"Now, you want to know, perhaps, what a reasonable doubt is. Well, a reasonable doubt is what the words imply—that is, a doubt for which you can give a reason, a substantial doubt, a doubt that grows up out of the evidence, or a doubt that arises from a lack of evidence sufficient to convince your minds that the fact has been established as charged. It is not a mere flimsy maybe or perhaps. It is not such a doubt that you might conjure up in any case, but it means a substantial, reasonable doubt.

"Now, if it is probable that the defendants are not guilty, that would be a reasonable doubt; and if it is probable that they are innocent, that would be a reasonable doubt.

"There is a reasonable doubt which compels an acquittal in every case, unless the evidence is so strong and cogent as to convince the jury that to a moral certainty the defendants are guilty.

"In short, gentlemen of the jury, as sensible men I think you will understand that a reasonable doubt is a reasonable doubt. I can not make it, I think, any plainer to you.

"Now, the defendants had a right to testify for themselves, and the law will not permit a man to testify and then say in the next breath that his testimony is not to be believed, because that would be a vain and a foolish thing to say—that a man may testify and yet you must disregard his testimony.

"You take the testimony of the defendants in this case and consider it like you do the other evidence in the case, and along with the other evidence, and, in the light of all the evidence, and in the light of the fact that they are interested in your verdict in this case.

"Of course, every defendant—when people make statements to us that they are interested in a personal way or in a financial way, why, ordinarily we weigh that more carefully, what they say, than if we knew they were not interested in what they were saying, not interested in our judgment or our conclusion as to the truth of what they say.

"You take the same common-sense rule that you practice every day in your practical affairs of life with you into the jury box, and that is why you are put there, because you are possessed supposedly of a large amount of experience and common sense and common knowledge, and that is the reason why jurors are selected, because they have common knowledge, common sense, and common experience, and that is what qualifies you as jurors, together with your good character and standing and your desire to do the right thing as good citizens in the jury box and out of the jury box.

"Now, coming, gentlemen, to this case, I have dismissed from the case count 2 of the indictment. Of course, you very readily understand why I did it. There the charge was a misbranding of this barrel of oil. There was no evidence, in my opinion, that the barrel itself was misbranded. The proof showed that the shipping tag which was in evidence was attached to it, and that it had on it the words 'Marmarelli Brothers and Katramados, importers of olive oil, black olives, cheese, figs, and all groceries.'"

MR. WOLFF: "That is 'Marmarelli Brothers and Katramados, pure olive oil' on the head, and a quite small figure on the barrel, [and] 'Marmarelli Brothers and Katramados, pure olive oil' on a small slip, a small head of another barrel. In the middle of the picture on the back, and under [were] those words 'Italian, Greek, and Oriental products, 63 Thompson Street, New York.'"

THE COURT: "Evidently it was an ordinary shipping tag, with an eyelet of about one inch to it, and that was a product made by hand, or, as in this case, it can be attached to the articles shipped by putting a tack in each corner, as the proof in this case showed, and as the original tag showed, and it was tacked with four tacks to the barrel.

"Now, that was not a misbranding in the eyes of the law, and therefore this second count charging the misbranding of it, which is wrong and which is a violation of the law, to misbrand an article and to ship it in interstate commerce, that is a violation of the law, and I did not think that that charge was sustained by the evidence.

"Now, there is evidence, in my opinion, in the case which authorized me to submit to you the first count of this information.

"This count, of course, will be before you, and you will read it for yourselves, 'which said article,' it goes on to say, 'article of food especially as aforesaid was then and there adulterated, in that a substance, to wit, cottonseed oil, had been mixed and packed with the article so as to lower and reduce its quality and strength, and the said article was further adulterated in that a substance, to wit, cottonseed oil, had been substituted for olive oil, which action purported to be against the peace of the United States and their dignity and contrary to the form of the statute,' and so forth.

"So you see that charges the defendants with having shipped in interstate commerce an adulterated article.

"Now, of course, at once you see that there are involved in this charge several elements. First, the element of adulteration of the article shipped. Now, that is for you to determine. Was this barrel of so-called olive oil adulterated by the addition of cottonseed oil?

"Now, it may be that cottonseed oil, and I think it is, is just as wholesome as olive oil, but it is, nevertheless, a violation of the law to mix cottonseed oil with olive oil, when the stuff shipped purports to be pure olive oil.

"The law is designed to protect the public against that sort of fraud, and it is a fraud to mix cottonseed oil with olive oil and to ship it as pure olive oil.

"Now, this barrel of so-called olive oil with the bill of lading, and which they shipped out according to the evidence in this case shows they shipped it and sold it as pure olive oil, was it adulterated with the addition of, say, 40 per cent of oil or any other material amount of cottonseed oil, by putting that, by mixing it with the olive oil in the barrel?

"Even if that be so, these defendants can not be convicted unless they had to do with the mixing of the cottonseed oil with the olive oil, or they knew or had good reason to believe that it had cottonseed oil in it, and with that guilty knowledge that they shipped it and sold it as pure olive oil.

"So you see that it is essential, before you can convict the defendants in this case, for you to find beyond a reasonable doubt that the oil was adulterated by the addition of cottonseed oil as charged, and then you must go further and find beyond a reasonable doubt that the defendants did the adulterating or knew that it was adulterated when they sold it and shipped it as pure olive oil.

"Now, if the evidence falls short of either one of these things, of convincing you of either one of these facts beyond a reasonable doubt, why, the defendants are entitled to an acquittal.

"Now, as to the adulteration of this oil, I express the opinion, which is not binding upon you, that the oil was adulterated by the addition to the olive oil in the barrel of cottonseed oil.

"I think these Government experts and others, the expert from Massachusetts, I think their evidence is sufficient to warrant the conclusion that it was adulterated, but if that be proven beyond a reasonable doubt it is not sufficient to convict these defendants unless the evidence is clear and shows, as I have attempted to say, that they either adulterated it themselves or knew it was adulterated or had good reason to believe it was adulterated when they sold it and shipped it in interstate commerce.

"If the oil was adulterated after it passed out of their possession, after it had been received up in Massachusetts, they could not be convicted; or if when they shipped it they had no guilty knowledge, and if there is nothing to charge them with the knowledge or belief that it was adulterated, they could not be convicted.

"The evidence must be convincing to a moral certainty on those propositions or they can not be convicted, although you may find that the oil was adulterated at some time, somewhere.

"Now, if you believe from all the evidence in this case beyond a reasonable doubt that these defendants are guilty as charged in the first count of this indictment, a part of which I read to you, and you will read it entirely, why, you will find the defendants guilty under that first count, but if, however, under the rules that I have given you and in the light of this evidence all

fairly considered, you are not convinced beyond a reasonable doubt or to a moral certainty that their guilt has been shown, to wit, that the article was adulterated with cottonseed, and that they either did it themselves or knew it was done when they shipped it, and that it was not done by somebody else after it got to Massachusetts, and that they knew that, or had reason to know it, that it was adulterated, if they had all that guilty knowledge why, then they could be convicted, but unless they did have that guilty knowledge they can not be convicted.

"No man can be convicted of a crime unless he knowingly—as a rule—unless he knowingly and intentionally violated the law. There must be the criminal intent. There must be the guilty knowledge somewhere in most crimes, and I think in a case like this there must be the guilty knowledge, the criminal intent, shown.

"Now, the evidence, if it falls short of convincing you of that to a moral certainty, they are entitled to an acquittal. But if, on the other hand, after thoroughly considering all the evidence and in the light of all the facts and circumstances, you are convinced that they shipped adulterated oil, knowingly and intentionally shipped the oil as pure olive oil, adulterated with cottonseed oil, if the evidence convinces you of that to a moral certainty, then you should convict them, but if there is a reasonable doubt on that proposition, they should be acquitted.

"Now, do you want all these charges that you wrote?"

MR. ROMANO: "I think Your Honor has covered most of them, and I shall withdraw them."

The COURT: "What?"

MR. ROMANO: "I withdraw them. I think Your Honor has covered most of the charges."

MR. WOLFF: "I will ask Your Honor to change a portion of your charge in a small respect."

The COURT: "Yes."

MR. WOLFF: "The statute in this case nowhere requires——"

The COURT: "Let me see the statute. What is it? Let me see it. Go ahead. I do not mean to interrupt you."

MR. WOLFF: "The statute in this case nowhere requires that the crime shall have been committed willfully or knowingly. By that meaning to infer that the mere fact that a person transports in interstate commerce adulterated food—the crime has been committed because it is his duty to protect the public and to examine whether or not that food has been adulterated, and I will stand responsible and ask Your Honor to charge to that effect."

The COURT: "I do not think there is any difference—any substantial difference—and yet there may be, in my view of the law from yours.

"What I meant to say, gentlemen of the jury, and I now tell you as being a part of the law that I gave you in the consideration of this case, is that the general law—under all general law these men, before they can be convicted, must first have shipped in interstate commerce an adulterated article as charged in the indictment.

"Now, that must be first shown, and then I think the law requires that they must have known that it was adulterated or they must have had reason to believe that it was adulterated.

"I do not think that the law contemplates that a man was violating the law when he had no intention whatever to violate the law. That would be a very hard law, and I do not altogether agree with that view. I think there must be an intention to violate the law somewhere."

MR. WOLFF: "That is exactly where the decisions disagreed. That was my opinion until about a week ago; but the mere effect of my request to change was this, that this law confers upon the dealer a duty to investigate, to learn the substance and quality of what he ships."

The COURT: "And to know that it is absolutely pure when he shipped it."

MR. WOLFF: "Yes, sir; that is the purport."

The COURT: "I think, if the jury has any reasonable doubt on that proposition, I will put it that way, a reasonable doubt on that proposition, that they could give the defendants the benefit of it, but I am not going to say any more than that. I am not going to say any more to them. I think you can take this case and return your verdict, gentlemen."

The jury then retired and after due deliberation returned a verdict of not guilty as to the remaining count of the information, involving the alleged adulteration of the product.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13093. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19508. I. S. No. 19095-v. S. No. C-4610.)

On January 15, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 240 sacks of potatoes, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Christenson & Nelson, from Waupaca, Wis., January 5, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "United States Grade No. 1 150 Pounds When Packed."

Misbranding of the article was alleged in the libel for the reason that the statement in the labeling "United States Grade No. 1" was false and misleading and deceived and misled the purchaser, since the product did not meet the requirements of United States Grade No. 1 potatoes.

On January 16, 1925, Christenson & Nelson, Waupaca, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the words "U. S. Grade No. 1" be eliminated from the label and the words "Containing 30% of hollow hearts and other blemishes" be added thereto.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13094. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19510. I. S. No. 19096-v. S. No. C-4612.)

On January 15, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 240 sacks of potatoes, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Tom Nelson, from Ridgeland, Wis., January 10, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "United States Grade No. 1 Potatoes."

Misbranding of the article was alleged in the libel for the reason that the statement, appearing in the labeling, "United States Grade No. 1" was false and misleading and deceived and misled the purchaser, since the product did not meet the requirements of United States Grade No. 1 potatoes.

On January 16, 1925, Christenson & Nelson, Waupaca, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled by eliminating the words "U. S. Grade No. 1" and adding the words "Containing 30% of hollow hearts and other blemishes."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13095. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19512. I. S. No. 19097-v. S. No. C-4613.)

On January 17, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 240 sacks of potatoes, at Cincinnati, Ohio, consigned by Leonard, Crosset & Riley, from Dallas, Wis., January 9, 1925, alleging that the article had been shipped from Dallas, Wis., and transported from the State of Wisconsin into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. No. 1 Potatoes."

Misbranding of the article was alleged in the libel for the reason that the statement "U. S. No. 1," appearing in the labeling, was false and misleading and deceived and misled the purchaser.

On January 22, 1925, Leonard, Crosset & Riley, Cincinnati, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the labeling be removed, particularly the part with reference to the grade.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13096. Adulteration of chestnuts. U. S. v. 21 Barrels, et al., of Chestnuts. Default decrees entered, ordering product destroyed. (F. & D. Nos. 19212, 19360. I. S. Nos. 19843-v, 19844-v, 19845-v. S. Nos. C-4549, C-4561.)

On November 29 and December 5, 1924, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 74 barrels of chestnuts, at Cincinnati, Ohio, consigned by the Royal Fruit Co., New York, N. Y., in part November 15 and in part November 20, 1924, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 2 and 9, 1925, respectively, no claimant having appeared for the property, and the product having become so far decomposed as to constitute a nuisance, decrees of the court were entered, ordering its destruction by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13097. Adulteration and misbranding of assorted jellies. U. S. v. 9 Cases of Assorted Jellies, et al. Decree entered, ordering products released under bond to be relabeled. (F. & D. No. 18605. I. S. Nos. 15085-v, 15086-v, 15087-v, 15088-v, 15089-v, 15090-v, 15091-v. S. No. E-4812.)

On April 21, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of assorted jellies and 3 cases of grape and apple jellies, remaining in the original unbroken packages at Baltimore, Md., consigned February 4, 1924, alleging that the articles had been shipped by the American Preserve Co. (Inc.), from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) Pure Jelly * * * With Fruit Pectin The American Preserve Co. Philadelphia, Pa. * * * "Apple and Strawberry," "Apple," "Apple and Pineapple," "Grape And Apple," "Apple And Peach," or "Apple and Raspberry."

Adulteration of the articles was alleged in the libel for the reason that a substance, to wit, pectin jelly deficient in fruit, had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality, and for the further reason that a substance, to wit, pectin jelly, had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements, viz, "Pure Jelly," "Apple and Strawberry," "Apple," "Apple and Pineapple," "Grape And Apple," "Apple And Peach," "Apple and Raspberry," as the case might be, appearing on the said labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of or offered for sale under the distinctive names of other articles.

On May 23, 1924, the American Preserve Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of the court was entered, ordering that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, conditioned in part that they not be sold or disposed of until they had been properly labeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13098. Misbranding of Dr. Sayman's wonder herbs. U. S. v. 9 Packages of Dr. Sayman's Wonder Herbs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19100. I. S. No. 23151-v. S. No. C-4519.)

On or about November 6, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 packages of Dr. Sayman's wonder herbs, at Wichita, Kans., alleging that the article had been shipped by the T. M. Sayman Products Co., from St. Louis, Mo., on or about January 23, 1924, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tin box) "Sayman's Wonder Herbs A Blood Medicine * * * A Boon For Suffering Women * * * Guaranteed," (carton) "Sayman's Wonder Herbs A Blood Medicine * * * Regulates the Liver and Kidneys, cleanses the Blood, and aids Digestion For * * * Dyspepsia, Loss of Appetite * * * Sick Headache * * * LaGrippe, Chills and Fever, Intermittent or Remittent Fever, Weak or Impaired Kidneys, Billiousness, Nervousness, Impure Blood, Rheumatism, Scrofula, Syphilitic Taints, Female Complaints and Blood Poison * * * Beneficial to Women suffering from those ailments peculiar to their sex. A valuable treatment for LaGrippe, and its after effects, Malaria, Chills, Fever or Ague, and all diseases arising from an impure or impoverished condition of the blood. * * * disorders of the stomach, liver, and kidneys," (circular) "The Bitter that is needed for the Blood and the Gall Bladder is furnished through the medium of Sayman's Wonder Herbs, the greatest Blood and Liver Medicine ever compounded. * * * an effective Blood Medicine," (retail price list) "for the blood, stomach, liver and kidneys."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the article consisted essentially of a mixture of sodium bicarbonate and powdered ginger, gentian, rhubarb, licorice, cascara sagrada, buchu, senna, mandrake, and buckthorn.

Misbranding of the article was alleged in the libel for the reason that the statement on the tin box containing the article "Composed Of Roots, Herbs, And Barks" and the statement on the circular "All Herbs" were false and misleading, in that sodium carbonate or bicarbonate was one of the ingredients of the said article. Misbranding was alleged for the reason that the above-quoted statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 15, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13099. Adulteration of butter. U. S. v. 3 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18867. I. S. No. 20395-v. S. No. W-1527.)

On or about July 17, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Merrill Creamery, Klamath Falls, Oreg., July 7, 1924, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, milk fat, had been wholly or in part abstracted therefrom.

On January 7, 1925, Wilsey Bennet Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13100. Misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19183. I. S. No. 9118-v. S. No. C-4534.)

On November 21, 1924, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Brookville, Ind., alleging that the article had been shipped on November 1, 1924, by the Planters Cotton Oil Co., Waxahachie, Tex., and transported from the State of Texas into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Meal Not less than 6% Fat, 43% Protein—Not more than 12% Fiber."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing in the label, namely, "Not less than 43% Protein, Not More Than 12% Fiber" were false and were calculated to and did deceive and mislead the purchaser, in that the article did not contain 43 per cent of protein and 12 per cent of fiber but did contain a less amount of protein and a greater amount of fiber than declared.

On February 26, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 13051 TO 13100

	N. J. No.
Apple jelly. <i>See</i> Jelly.	
preserves. <i>See</i> Preserves.	
Beans, canned:	
Appleby Bros -----	13075
Litteral Canning Co -----	13061
Blackberry jam. <i>See</i> Jam.	
preserves. <i>See</i> Preserves.	
Blueberries, canned:	
Frye, E. M., Packing Co -----	13079
Butter:	
Beatrice Creamery Co -----	13059
Hellerick, F., Co -----	13055
Merrill Creamery -----	13099
Union Springs Creamery -----	13073
Chestnuts:	
Royal Fruit Co -----	13096
Clams:	
Cordova Packing Co -----	13083
Cottonseed cake. <i>See</i> Feed.	
meal. <i>See</i> Feed.	
Eggs, frozen:	
Fairmont Creamery Co -----	13060
Feed, cottonseed cake:	
Conway Oil & Ice Co -----	13084
cottonseed meal:	
Elk City Cotton Oil Co -----	13069
Empire Cotton Oil Co -----	13062
Planters Cotton Oil Co -----	13100
mixed:	
Mutual Rendering Co -----	13065
Nashville Grain & Feed Co -----	13091
Southern Oil & Feed Mills -----	13052
oats:	
Thistlewood & Co -----	13066
peanut meal:	
Suffolk Oil Mill -----	13053, 13081
shorts:	
Domestic Milling Co -----	13089
Hoyland Flour Mills -----	13090
tankage:	
Tasker, G. A., Co -----	13072
Fish, sardines:	
Bayshore Sardine Co -----	13070
tuna:	
Curtis Corp -----	13068
Gary's vegetable ointment:	
Sloan & Spencer Medicine Co -----	13080
Grape jelly. <i>See</i> Jelly.	
Herbs:	
Sayman, T. M., Products Co -----	13098
Jam, blackberry:	
Best-Clymer Co -----	13088
loganberry:	
Best-Clymer Co -----	13088
peach:	
Best-Clymer Co -----	13088
pineapple:	
Best-Clymer Co -----	13088
plum:	
Best-Clymer Co -----	13088
raspberry:	
Best-Clymer Co -----	13088
strawberry:	
Best-Clymer Co -----	13088
Jelly, apple:	
American Preserve Co -----	13097
grape:	
American Preserve Co -----	13097
peach:	
American Preserve Co -----	13097
pineapple:	
American Preserve Co -----	13097
raspberry:	
American Preserve Co -----	13097
strawberry:	
American Preserve Co -----	13097
Loganberry jam. <i>See</i> Jam.	
preserves. <i>See</i> Preserves.	

	N. J. No.
Mustard:	
Luedemann, A.....	13067
Oats. <i>See</i> Feed.	
Ointment, vegetable:	
Sloan & Spencer Medicine Co.....	13080
Olive oil:	
Marmarelli Bros. & Katramados..... ¹	13092
Orange smash concentrate:	
Orange Smash Co.....	13077
Peach jam. <i>See</i> Jam.	
jelly. <i>See</i> Jelly.	
Peanut meal. <i>See</i> Feed.	
Peas, canned:	
Webster, G. L., Canning Co.....	13054
Pineapple jam. <i>See</i> Jam.	
jelly. <i>See</i> Jelly.	
Plum jam. <i>See</i> Jam.	
Potatoes:	
Beggs, J. R., & Co.....	13057, 13078
Christenson & Nelson.....	13093
Leonard, Crosset & Riley.....	13095
Nelson, T.....	13094
Preserves, apple:	
Wheeler-Barnes Co.....	13085
blackberry:	
Wheeler-Barnes Co.....	13085
loganberry:	
Wheeler-Barnes Co.....	13085
raspberry:	
Wheeler-Barnes Co.....	13085
strawberry:	
Wheeler-Barnes Co.....	13085
Raspberry jam. <i>See</i> Jam.	
jelly. <i>See</i> Jelly.	
preserves. <i>See</i> Preserves	
Sardines. <i>See</i> Fish.	
Sayman's, Dr., wonder herbs:	
Sayman, T. M., Products Co.....	13098
Shorts. <i>See</i> Feed.	
Strawberry jam. <i>See</i> Jam.	
jelly. <i>See</i> Jelly.	
preserves. <i>See</i> Preserves.	
Tankage. <i>See</i> Feed.	
Tomato paste:	
Greco Canning Co.....	13063, 13064, 13086
Hershel California Fruit Products Co.....	13058, 13074, 13076, 13082
Orden Lumber Co.....	13063
Parodi, Erminio & Co.....	13086
pulp:	
Gates Canning Co.....	13051
sauce:	
Greco Canning Co.....	13087
Tomatoes, canned:	
Roberts, Thos., & Co.....	13071
Tuna fish. <i>See</i> Fish.	
Vinegar:	
Douglas Packing Co.....	13056

¹ Contains instructions to the jury.



United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13101-13150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 1, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13101. Adulteration and misbranding of caffeine tablets, atropine sulphate tablets, morphine sulphate tablets, nitroglycerin tablets, heroin hydrochloride tablets, and quinine sulphate pills. U. S. v. Buffington's Inc. Plea of nolo contendere. Fine, \$50. (F. & D. No. 18999. I. S. Nos. 2297-v, 2299-v, 15351-v, 15352-v, 15353-v, 15354-v, 15815-v, 15816-v, 16755-v.)

On January 15, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Buffington's Inc., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the food and drugs act, on or about November 22, 1923, from the State of Massachusetts into the State of New Jersey, of quantities of quinine sulphate pills and morphine sulphate tablets, respectively, on or about November 25, 1923, from the State of Massachusetts into the State of New York, of quantities of caffeine tablets and heroin hydrochloride tablets, respectively, on or about November 28, 1923, from the State of Massachusetts into the State of Maine, of quantities of atropine sulphate tablets, morphine sulphate tablets, and nitroglycerin tablets, respectively, and on or about March 25, 1924, from the State of Massachusetts into the State of Rhode Island, of a quantity of heroin hydrochloride tablets which were adulterated and misbranded. The articles were labeled in part: "Manufactured by Buffington's Incorporated" (or "Inc.") "Worcester, Mass."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The caffeine tablets, labeled "1 Gr.," contained an average of not more than 0.693 of a grain of caffeine each; the heroin hydrochloride tablets, labeled "1/12 Gr.," contained an average of not more than 0.063 of a grain of heroin hydrochloride each; the atropine sulphate tablets, labeled "1/50 Gr.," contained an average of not more than 0.016 of a grain of atropine sulphate each; the morphine sulphate tablets labeled "1/4 Gr." contained an average of not more than 0.215 grain of morphine sulphate each, those labeled "1/8 Gr." contained an average of not more than 0.105 grain of morphine sulphate each, and those labeled "1/20 Gr." contained an average of not more than 0.0418 grain of morphine sulphate each; the nitroglycerin tablets, labeled "1/100 Gr.," contained an average of not more than 0.0046 grain of nitroglycerin each; the quinine sulphate pills, labeled "2 Grains," contained an average of not more than 1.505 grains of quinine sulphate each; the heroin

hydrochloride tablets, labeled "1/24 Gr.," contained an average of not more than 0.362 grain of heroin hydrochloride each.

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements, to wit, "Tablet Triturates Caffeine 1 Gr.," "Tablet Triturates Heroin Hydrochlor. 1/12 Gr.," "Tablet Triturates Atropine Sulphate 1/50 Gr.," "Tablet Triturates Morphine Sulphate 1/4 Gr.," "Tablets Morphine Sulphate 1/8 Gr.," "Tablets Nitroglycerine 1/100 Gr.," "Pills Quinine Sulphate 2 grains," "Tablets Morphine Sulphate 1/20 Gr.," "Tablet Triturates Heroin Hydrochloride 1/24 Gr.," borne on the labels attached to the bottles containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading, in that the said statements represented that each of said tablets, or pills, as the case might be, contained the amount of the product as declared on the respective labels, whereas, in truth and in fact, each of said tablets, or pills, did not contain the amount of the product declared on the respective labels but did contain a less amount.

On January 26, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13102. Adulteration of shell eggs. U. S. v. Hannon E. Crone (Wood County Produce Co.). Plea of guilty. Fine, \$15. (F. & D. No. 19298. I. S. No. 18188-v.)

On December 26, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hannon E. Crone, trading as the Wood County Produce Co., Winnsboro, Tex., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 20, 1924, from the State of Texas into the State of Louisiana, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Tag) "From Wood County Produce Co. Winnsboro, Texas."

Examination by the Bureau of Chemistry of this department of the 720 eggs in the consignment showed that 136 eggs, or 18.8 per cent, were inedible eggs, consisting of mixed rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance.

On January 26, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13103. Adulteration of shell eggs. U. S. v. H. Arthor Bowdain (Wood County Produce Co.). Plea of guilty. Fine, \$5. (F. & D. No. 18332. I. S. Nos. 5950-v, 5958-v, 5959-v, 5964-v.)

On May 12, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. Arthor Bowdain, trading as Wood County Produce Co., Winnsboro, Tex., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about July 3, July 4, and July 8, 1923, respectively, from the State of Texas into the State of Louisiana, of quantities of shell eggs which were adulterated. The article was labeled in part: "Wood Co. Pro. Co. Winnsboro, Tex."

Examination by the Bureau of Chemistry of this department of a sample from each of the 4 consignments showed 10.3 per cent, 24.3 per cent, 11.6 per cent, and 12 per cent, respectively, of inedible eggs, consisting principally of mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On January 26, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13104. Misbranding of cottonseed meal. U. S. v. Conway Oil & Ice Co. Plea of guilty. Fine, \$50. (F. & D. No. 18751. I. S. No. 8845-v.)

On September 19, 1924, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district an information against the Conway Oil & Ice Co., a corporation, Conway, Ark., alleging shipment by said company, in violation of the food and drugs act, on or about August 11, 1923, from the State of Arkansas into the State of Indiana, of a quantity of cottonseed meal which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 36.48 per cent of protein, 5.84 per cent of nitrogen, and 7.09 per cent of ammonia.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Owl Brand 41% * * * Choice Prime Cotton Seed Meal * * * Ammonia 8.00%, Protein 41.00% * * * Nitrogen 6.58% * * *," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained 8 per cent of ammonia, 41 per cent of protein, and 6.58 per cent of nitrogen, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 8 per cent of ammonia, 41 per cent of protein, and 6.58 per cent of nitrogen, whereas it did not contain 8 per cent of ammonia, 41 per cent of protein, and 6.58 per cent of nitrogen but did contain less amounts.

On January 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13105. Misbranding of butter. U. S. v. 40 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19827. I. S. Nos. 22973-v, 22974-v. S. No. C-4653.)

On or about February 9, 1925, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 cases of butter, at Birmingham, Ala., alleging that the article had been shipped by the Nashville Pure Milk Co., from Nashville, Tenn., in part on or about February 3, 1925, and in part on or about February 5, 1925, and transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "One Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net Weight," appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 20, 1925, the Nashville Pure Milk Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be properly labeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13106. Adulteration of canned sardines. U. S. v. 680 Cases of Sardines. Portion of product released by agreement. Consent decree of condemnation, forfeiture, and destruction with respect to remainder. (F. & D. Nos. 17996 to 18007, incl. I. S. Nos. 2271-v, 2272-v. S. No. E-4559.)

On November 9, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 680 cases, each containing 100 cans, of sardines, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Globe Canning Co., from Eastport, Me., on or about October 2, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Irma Brand American Sardines In Oil (Cotton Seed) Packed By Globe Canning Co. North Lubec, Wash. Co. Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 25, 1924, the Globe Canning Co. having appeared as claimant for the property, and 378 cases and 68 tins of the product having been found to comply with the law, an order of the court was entered, directing the release of the said portion of the product to the claimant. On March 19, 1924, the claimant having consented to the entry of a decree of condemnation with respect to the remainder of the product, it was ordered by the court that the said portion of the product be destroyed in accordance with law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13107. Adulteration and misbranding of prepared mustard. U. S. v. 12 Barrels of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19526. I. S. No. 17117-v. S. No. E-4902.)

On January 22, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 barrels of prepared mustard, remaining in the original unbroken packages at Philadelphia, Pa., consigned by A. Luedemann (Inc.), New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about December 19, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Prep. Mustard Colored With Turmeric."

Adulteration of the article was alleged in the libel for the reason that a substance, added mustard bran, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement "Prep. Mustard," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On February 25, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13108. Adulteration of canned frozen eggs. U. S. v. 986 Cans of Frozen Eggs. Bad portion separated from good portion. Decree entered, ordering bad portion condemned, forfeited, and denatured, and good portion released. (F. & D. No. 19050. I. S. No. 16162-v. S. No. E-4981.)

On October 14, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 986 cans of frozen eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Theodore Aaron (Inc.), alleging that the article had been shipped from Chicago, Ill., on or about October 4, 1924, and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 10, 1924, Theodore Aaron (Inc.), Chicago, Ill., having appeared as claimant for the property, and the product having been sorted under the supervision of this department, judgment of the court was entered, ordering the product condemned and forfeited, the bad portion denatured, and the good portion returned to the claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13109. Adulteration of oranges. U. S. v. 461 Crates of Oranges. Decree of condemnation and forfeiture. Product released to claimant to be salvaged. (F. & D. No. 19550. I. S. No. 13584-v. S. No. E-5126.)

On January 30, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 461 crates of oranges, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Glen Rosa Orchards (Inc.), from Riverside, Calif., January

13, 1925, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Crate) "Wash Navels All Star Brand Grown and Packed By Glen Rosa Orchards, Inc. Riverside, Riverside Co., Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an inedible product, had been substituted in part for the said article.

On February 13, 1925, the Erie Railroad Co. having entered a claim for the property, based on its lien for freight and other charges, and having moved the sale of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be released to the claimant to be sorted under the supervision of this department, that the bad portion be destroyed or denatured, and the good portion sold, and that the costs of the proceedings be paid out of the proceeds of such sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13110. Adulteration and misbranding of butter. U. S. v. 49 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 19829. I. S. No. 14068-v. S. No. E-5140.)

On February 9, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Minnesota Co-operative Creamery Co., Minneapolis, Minn., alleging that the article had been shipped from Minneapolis, Minn., on or about February 2, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On February 17, 1925, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department to raise the butterfat content to 80 per cent or over.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13111. Adulteration and misbranding of butter. U. S. v. J. G. Turnbull Co. Plea of guilty. Fine, \$10. (F. & D. No. 19242. I. S. No. 15278-v.)

On December 30, 1924, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the J. G. Turnbull Co., a corporation, Orleans, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about November 19, 1923, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded.

Samples of the product analyzed by the Bureau of Chemistry of this department contained from 77.53 per cent to 77.89 per cent of butterfat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the words, to wit, "Creamery" and "Butter," and the design of a cow, borne on the cartons containing the article, were false and misleading, in that they represented the article to be butter, namely, an article containing not less than 80 per cent by weight of milk fat, as defined and prescribed by the act of March 4, 1923, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, whereas it was not butter but was a product containing less than 80 per cent by weight of milk fat. Mis-

branding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On January 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13112. Adulteration and misbranding of wheat middlings. U. S. v. 98 Sacks of Wheat Middlings. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19389. I. S. No. 17201-v. S. No. E-5055.)

On or about January 8, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 98 sacks of wheat middlings, remaining in the original packages at Alexandria, Va., alleging that the article had been shipped by the C. A. Gambrill Mfg. Co., from Ellicott City, Md., October 6, 1924, and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Pure Wheat White Middlings Guaranteed Analysis * * * Fibre 3.25% Manufactured By C. A. Gambrill Mfg. Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, added screenings, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Pure Wheat White Middlings Guaranteed Analysis Fibre 3.25%," appearing in the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 20, 1925, the C. A. Gambrill Mfg. Co., Ellicott City, Md., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the words "White Middlings" be obliterated from the label and the product be retagged as "Middlings, Bran and Screenings," together with a declaration of the net weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13113. Adulteration and misbranding of chestnuts. U. S. v. 10 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 19124. I. S. No. 16937-v. S. No. E-5004.)

On November 5, 1924, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 barrels of chestnuts, remaining in the original unbroken packages at New London, Conn., alleging that the article had been shipped by Garfunkel & Justman, New York, N. Y., on or about October 27, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 19, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed or sold by the United States marshal, provided sale could be speedily effected.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13114. Adulteration of canned salmon. U. S. v. 900 Cases of Salmon in Cans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17399. I. S. No. 4803-v. S. No. C-3956.)

On March 23, 1923, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 900 cases of canned salmon, remaining in the original unbroken packages at Louisville, Ky., consigned by Fidalgo Island Packing Co., Vancouver, B. C., from Mobile, Ala., February 8, 1923, alleging that the article had been shipped from Mobile, Ala., and transported from the State of Alabama into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Zachary Taylor Brand Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 10, 1925, the Fidalgo Island Packing Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13115. Misbranding of tankage. U. S. v. 300 Sacks of Hyklass Digester Tankage. Default decree of condemnation and sale, with proviso that product might be taken down under bond by owner. (F. & D. No. 18421. I. S. No. 17709-v. S. No. C-4306.)

On March 11, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of Hyklass digester tankage, at Moravia, Iowa, alleging that the article had been shipped by the Rogers By-Products Co., Aurora, Ill., on or about February 2, 1924, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "100 Lbs. Net Hyklass Digester Tankage Guaranteed Analysis Protein 60% * * * Made By Rogers By-Products Co. Aurora, Ill."

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the said sacks bore the statement that the contents thereof contained 60 per cent of protein, which statement was false and misleading and deceived and misled purchasers, in that the contents of the said sacks did not contain 60 per cent of protein.

On October 15, 1924, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be sold, without labels, by the United States marshal. The decree provided further that the product might be released to the owner upon the execution of a bond within 30 days from the entry of said decree, conditioned in part that the product be relabeled to show the correct protein content.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13116. Adulteration of canned salmon. U. S. v. 499 Cases of Salmon. Decree entered, ordering product released under bond to be reconditioned. (F. & D. No. 19046. I. S. No. 12665-v. S. No. E-4974.)

On or about October 9, 1924, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 499 cases of salmon, remaining unsold in the original packages at Norfolk, Va., alleging that the article had been shipped by the A. & P. Products Corp., Seattle, Wash., on or about August 8, 1924, and transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Iona Brand Pink Salmon Packed * * * By The A & P Products Corporation. Alaskan Canneries * * * Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On November 26, 1924, the Great Atlantic & Pacific Tea Co. having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that the product be salvaged and recanned under the supervision of and to the satisfaction of this department, and it was further ordered that upon failure of the claimant to comply with the conditions of the decree the Government recover the costs of the proceedings not theretofore paid.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13117. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 200 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19178. I. S. No. 15552-v. S. No. E-5019.)

On November 19, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of canned tomatoes, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Thos. Roberts & Co., McDaniel, Md., alleging that the article had been shipped on or about October 3, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Iona Brand Tomatoes."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 20, 1925, Thos. Roberts & Co. (Inc.), McDaniel, Md., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be delivered to the claimant to be relabeled and repacked under the supervision of this department upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13118. Adulteration and misbranding of evaporated apples. U. S. v. 100 Cases of Evaporated Apples. Decree of condemnation. Product released under bond. (F. & D. No. 19488. I. S. Nos. 13858-v, 13859-v. S. No. E-4906.)

On January 13, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of evaporated apples, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the A. B. Williams Fruit Co., from Sodus, N. Y. December 15, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Choice Queen Quality Evaporated Apples Sulphured A. B. Williams Fruit Co. Sodus Wayne Co. * * * New York State Fruit." The remainder of the said article was labeled in part: "Puritan Brand Extra Fancy New York State Evaporated Ring Apples Bleached With Sulphur Dioxide A. B. Williams Fruit Co. Sodus, Wayne Co. N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and for the further reason that water had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Choice Queen Quality Evaporated Apples" and "Extra Fancy Evaporated Ring Apples,"

appearing on the labels of the respective lots, were false and misleading and deceived and misled the purchaser.

On February 18, 1925, the A. B. Williams Fruit Co., Sodus, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13119. Adulteration and misbranding of digester tankage. U. S. v. the Chapman, Doake Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19347. I. S. No. 9112-v.)

On February 14, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman, Doake Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about January 16, 1924, from the State of Illinois into the State of Indiana, of a quantity of digester tankage which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 23.05 per cent of protein, and a large amount of egg shells.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein had been substituted for digester tankage guaranteed to contain not less than 60 per cent of protein, which the said article purported to be. Adulteration was alleged for the further reason that a substance, to wit, egg shells, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "The Chapman, Doake Company, of Decatur, Ill., Guarantees this Digester Tankage to contain not less than 60.0 per cent of crude protein, and to be compounded from the following ingredients: Meat, Blood, Bone and Intestinal Offal," borne on the tags attached to the sacks containing the article, and the statement, to wit, "Digester Tankage Analysis Protein 60.00%," borne on the said sacks, were false and misleading, in that the said statements represented that the article contained not less than 60 per cent of protein and was compounded from meat, blood, bone and intestinal offal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein and was compounded from meat, blood, bone and intestinal offal, whereas it contained less than 60 per cent of protein and was not compounded solely from meat, blood, bone and intestinal offal, in that it contained egg shells, an undeclared ingredient.

On February 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13120. Adulteration of tomato puree. U. S. v. 250 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19533. I. S. No. 17120-v. S. No. E-5111.)

On January 23, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of tomato puree, consigned by the Davis Canning Co., Laurel, Del., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Laurel, Del., on or about October 4, 1924, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Puree Packed By The Davis Canning Co. Laurel, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 25, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13121. Adulteration and misbranding of tomato sauce. U. S. v. 300 Cases of Tomato Sauce. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19439. I. S. No. 17107-v. S. No. E-5063.)

On December 27, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 cases of tomato sauce, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Hershel California Fruit Products Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., in part September 30 and in part November 4, 1924, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Naples Style Tomato Sauce * * * Contadina Brand With Basil * * * Packed By Hershel Cal. Fruit Prod. Co. * * * San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, artificially-colored tomato pulp, or sauce, had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the retail packages enclosing the product contained labels bearing certain statements, designs, and devices regarding the article and the substances and ingredients contained therein which were false and misleading, in that they indicated to the purchaser that the said package contained tomato sauce, whereas, in truth and in fact, it was composed of tomato sauce artificially-colored.

On February 25, 1925, Kurtz Bros., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13122. Misbranding of oil. U. S. v. Sam Bruck (Inc.). Plea of guilty. Fine, \$20. (F. & D. No. 18738. I. S. Nos. 15767-v, 15769-v.)

On November 18, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sam Bruck (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about October 6, 1923, from the State of New York into the State of Connecticut, of quantities of oil which was misbranded. A portion of the article was labeled in part: (Can) "Cuoco's Brand Oil Refined Vegetable Oil flavored slightly with pure olive oil A Compound 0.98 Of Half Gallon Or $3\frac{3}{4}$ Lbs. Net." The remainder of the article was labeled in part: (Can) "San Pietro Brand Extra Quality Oil For Salads * * * Refined Vegetable Oil flavored slightly with pure olive oil. A Compound 0.98 Of One Gallon Or $7\frac{1}{2}$ Lbs. Net."

Examination of a sample from each of the two lots of the article by the Bureau of Chemistry of this department showed no flavor of olive oil present in either sample. Examination of 3 cans of the Cuoco's brand and 15 cans of the San Pietro brand by said bureau showed an average volume of 0.959 of $\frac{1}{2}$ gallon and 0.974 of 1 gallon, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "flavored slightly with pure olive oil," borne on the cans containing the said article, and the statements, to wit, "0.98 Of Half Gallon Or $3\frac{3}{4}$ Lbs. Net," borne on the cans containing a portion of the article, and the statement "0.98 Of One Gallon Or $7\frac{1}{2}$ Lbs. Net," borne on the cans containing the remainder, were false and misleading, in that they represented that the article was flavored slightly with pure olive oil and that a portion of the cans contained 0.98 of a half gallon or $3\frac{3}{4}$ pounds thereof, and that the remainder of the said cans contained 0.98 of a gallon or $7\frac{1}{2}$ pounds thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was flavored slightly with pure olive oil and that the cans contained the respective amounts declared thereon as above set forth, whereas it was not flavored slightly with pure olive oil but was a product composed in whole or in part of cottonseed oil and containing no olive oil, and the said cans did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding

was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13123. Misbranding of potatoes. U. S. v. 260 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19384. I. S. No. 19946-v. S. No. C-4576.)

On December 16, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 260 sacks of potatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Chatterton & Son, from Lucas, Mich., on or about December 3, 1924, and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Michigan U. S. Grade No. 1."

Misbranding of the article was alleged in the libel for the reason that the statement "U. S. Grade No. 1," borne on the labels, was false and misleading and deceived and misled the purchaser.

On December 23, 1924, Chatterton & Son, Lucas, Mich., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled "Potatoes Containing 37% Hollow Hearts and Other Blemishes" and the statement "U. S. No. 1" be obliterated from the said sacks.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13124. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19546. I. S. No. 22693-v. S. No. C-4625.)

On January 29, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 240 sacks of potatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the A. M. Henney Co., from Scandinavia, Wis., on or about January 7, 1925, and transported from the State of Wisconsin into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "U. S. Grade No. 1 Potatoes."

Misbranding of the article was alleged in the libel for the reason that the statement "U. S. Grade No. 1" was false and misleading and deceived and misled the purchaser.

On January 31, 1925, George W. Davison, New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled by oblitterating the statement "U. S. No. 1" and adding the statement "Potatoes Containing 35% Hollow Hearts and Other Blemishes."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13125. Misbranding of potatoes. U. S. v. 260 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19373. I. S. No. 19939-v. S. No. C-4565.)

On December 9, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 260 sacks of potatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Boyne City Cooperative Assoc., Boyne Falls, Mich., on or about November 21, 1924, and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "U. S. No. 1."

Misbranding of the article was alleged in the libel for the reason that the statement "Potatoes U. S. No. 1" was false and misleading and deceived and misled the purchaser.

On January 28, 1925, the Michigan Potato Growers Exchange, Cadillac, Mich., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the statement "U. S. No. 1" be obliterated from the labels, and the statement "Potatoes Containing 23% hollow hearts and other blemishes" be added thereto.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13126. Misbranding of potatoes. U. S. v. 260 Sacks, et al., of Potatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19397, 19406, 19411. I. S. Nos. 19947-v, 22673-v, 22702-v. S. Nos. C-4577, C-4582, C-4589.)

On December 15, 19, and 20, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 780 sacks of potatoes, at New Orleans, La., alleging that the article had been shipped by McClintock & Co., in part on or about December 1, 1924, from Crapo, Mich., and in part on or about December 5, 1924, from Evart, Mich., and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Michigan U. S. Grade No. 1."

Misbranding of the article was alleged in the libels for the reason that the statement "U. S. Grade No. 1," appearing on the labels, was false and misleading and deceived and misled the purchaser.

On December 20, 1924, R. F. Meyer & Co. having appeared as claimant for 260 sacks of the product, and McClintock & Co., Tustin, Mich., having appeared as claimant for 520 sacks of the said product, and said claimants having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$590, in conformity with section 10 of the act, said bonds being conditioned in part that the statement "U. S. No. 1" be obliterated from the labels and the product be relabeled "Potatoes containing 33%" (or "24%" or "30%"), as the case might be, "Hollow Hearts and Other Blemishes."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13127. Misbranding of potatoes. U. S. v. 260 Sacks, et al., of Potatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19372, 19374, 19375, 19385, 19404, 19405. I. S. Nos. 19937-v, 19940-v, 19941-v, 19945-v, 22672-v, 22674-v. S. Nos. C-4564, C-4566, C-4567, C-4575, C-4581, C-4583.)

On December 9, 10, 16, and 19, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,560 sacks of potatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Michigan Potato Growers Exchange in various consignments, from Tustin, Falmouth, Edmore, and Ellsworth, Mich., respectively, between the dates of November 19 and December 7, 1924, and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Chief Petoskey Potatoes U. S. No. 1 * * * Distributed by Michigan Potato Growers Exchange, Cadillac, Mich."

Misbranding of the article was alleged in the libels for the reason that the statement "U. S. No. 1," borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser.

On January 28, 1925, the Michigan Potato Growers Exchange, Cadillac, Mich., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the

said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,200, in conformity with section 10 of the act, conditioned in part that it be relabeled "Potatoes Containing 33%" (or "24%," "20%," "21%," "25%," or "22%"), as the case might be, "Hollow Hearts and Other Blemishes," and that the statement "U. S. No. 1" be obliterated from the said sacks.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13128. Adulteration of butter. U. S. v. 71 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19835. I. S. No. 23113-v. S. No. C-4644.)

On February 9, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 71 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Connorsville Creamery Co., from Boyceville, Wis., February 3, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

On February 13, 1925, C. H. Weaver & Co., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to remove the excess water and raise the percentage of butterfat to not less than 80 per cent.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13129. Adulteration of canned succotash. U. S. v. 60 Cases of Canned Succotash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19509. I. S. No. 14347-v. S. No. E-5100.)

On January 16, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cases of canned succotash, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Tuttle & Co., from McConnellsville, N. Y., November 11, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "State of New York Brand Succotash * * * First Quality Packed By Tuttle & Co. at McConnellsville, Oneida Co. New York."

Adulteration of the article was alleged in the libel for the reason that a substance, saccharin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage and inferiority was concealed, and for the further reason that it contained an added poisonous or other added deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On February 18, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13130. Adulteration of canned shrimp. U. S. v. 452 Cases of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19511. I. S. No. 14348-v. S. No. E-4908.)

On January 20, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 452 cases of canned shrimp, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Marine Products Co., Albany, N. Y. [New Orleans, La.], December 2, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "O. K. Brand Barataria Shrimp."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On February 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13131. Adulteration and misbranding of vanilla extract. U. S. v. 1,428 Bottles of Vanilla Extract. Default decree entered, ordering product destroyed. (F. & D. No. 19181. I. S. Nos. 18299-v, 18300-v. S. No. C-4044.)

On November 21, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,428 bottles of vanilla extract, remaining unsold in the original packages at Columbus, Ohio, consigned by Morrow & Co., from New York, N. Y., about September 27, 1924, alleging that the article had been transported in interstate commerce from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Bottle and carton) "Nabob Pure Vanilla Extract * * * For Flavoring," (carton) "Nabob Pure Extracts * * * These goods are guaranteed to comply with all state and federal pure food laws." The remainder of the said article was labeled in part: (Bottle and carton) "Queen Brand Pure Extract Vanilla * * * For Flavoring," (carton) "All Food Products Sold Under This Brand Are Uniformly Good, And Sure To Please Discriminating Housewives * * * These Extracts Are Made With The Greatest Possible Care And Are Guaranteed Pure And Of Uniform Quality."

Adulteration of the article was alleged in the libel for the reason that a substance, an imitation vanilla extract, had been mixed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article, and for the further reason that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Pure Vanilla Extract for Flavoring," "Pure Extracts," "These goods are guaranteed to comply with all state and federal pure food laws," with respect to a portion of the product, and the statements "All Food Products Sold Under This Brand Are Uniformly Good, and Sure to Please Discriminating Housewives" "These Extracts Are Made With the Greatest Possible Care And Are Guaranteed Pure and of Uniform Quality," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure vanilla extract.

On February 27, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product liable to condemnation as being adulterated and misbranded, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13132. Adulteration of tomato puree. U. S. v. 290 Cases of Tomato Puree! Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19534. I. S. No. 13319-v. S. No. E-5110.)

On January 27, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 290 cases of tomato puree, consigned about September 6, 1924, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. C. [G.] Townsend, Jr., & Co., from Georgetown, Del., and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the food and

drugs act. The article was labeled in part: "Snider's Puree of Tomato * * * The T. A. Snider Preserve Co. Chicago, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 6, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13133. Adulteration of butter. U. S. v. 9 Tubs and 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. Nos. 19866, 19867. I. S. Nos. 19170-v, 23976-v. S. Nos. C-4651, C-4658.)

On February 13 and 17, 1925, respectively, the United States attorney for the Northern District of Illinois acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Community Creamery, from Riley, Kans., in part February 2 and in part February 6, 1925, and transported from the State of Kansas into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On February 20, 1925, the cases having been consolidated into one action, and Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to remove the excess water and bring the butterfat content up to not less than 80 per cent.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13134. Misbranding of coffee. U. S. v. 5 Cases, et al., of Coffee. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19807, 19817, 19849. I. S. Nos. 20512-v, 20513-v, 20514-v, 20516-v, 20531-v, 20532-v. S. Nos. W-1643, W-1647, W-1682.)

On February 18 and March 2, 1925, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 33 cases, each containing a number of cans, of coffee, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by J. A. Folger & Co., from San Francisco, Calif., between the dates of February 9 and February 26, 1925, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: (Can) "Folger's Golden Gate Coffee 2½ Lbs. Net Weight" (or "2 Lbs. Net Weight") "J. A. Folger & Co." The remainder of the said article was labeled: (Can) "Shasta Steel Cut Coffee 5 Lbs. Net Weight" (or "1 Lb. Net Weight") "J. A. Folger & Co."

Misbranding of the article was alleged in the libel for the reason that the statements "2½ Lbs. Net Weight," "5 Lbs. Net Weight," "1 Lb. Net Weight," and "2 Lbs. Net Weight," as the case might be, borne on the respective-sized cans containing the said article, were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On or about March 4, 1925, J. A. Folger & Co., San Francisco, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were en-

tered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be repacked under the supervision of this department so as to comply with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13135. Misbranding and alleged adulteration of tomato pulp. U. S. v. 48 Cases of Tomato Pulp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19494 to 19502, incl. I. S. No. 13801-v. S. No. E-4907.)

On January 14, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 cases of tomato pulp, at San Juan, P. R., alleging that the article had been shipped by the Greco Canning Co., San Jose, Calif., on or about December 20, 1924, and transported from the State of California into the Territory of Porto Rico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "De-Luxe Brand Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, artificially colored tomato pulp, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Pulp," appearing in the labeling, was false and misleading and tended to deceive and mislead the purchaser.

On January 31, 1925, Diego Augeros & Co. S. en C., San Juan, P. R., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered, condemning the product as misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13136. Adulteration and misbranding of canned tomatoes. U. S. v. 640 Cases, et al., of Canned Tomatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19425, 19426, 19427, 19428. I. S. Nos. 16180-v, 16181-v, 16182-v, 16183-v. S. Nos. E-5075, E-5076, E-5077.)

On December 26 and 30, 1924, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2,448 cases of tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Davis Canning Co., Laurel, Del., alleging that the article had been shipped from Laurel, Del., in various consignments, namely, on or about October 23, 24, and 27, 1924, respectively, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dee Bee Brand Tomatoes Quality First Packed by Davis Canning Co., Laurel, Del."

Adulteration of the article was alleged in the libels for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the packages enclosing the article contained labels bearing statements, designs, and devices regarding the said article and the ingredients and substances contained therein which were false and misleading, in that the labels indicated to the purchaser that the packages contained tomatoes, when in fact they did not, the said article having been offered for sale under the distinctive name of another article.

On February 27, 1925, the Davis Canning Co., Laurel, Del., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,975, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13137. Adulteration of chestnuts. U. S. v. 10 Cases of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19554. I. S. No. 19300-v. S. No. C-4631.)

On February 2, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of chestnuts, at Chicago, Ill., alleging that the article had been shipped by the Italian Importing Co., from New York, N. Y., October 18, 1924, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On March 4, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13138. Adulteration of canned salmon. U. S. v. F. C. Barnes Co. Plea of guilty. Fine, \$100. (F. & D. No. 19255. I. S. Nos. 11485-v. 11490-v.)

On January 23, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the F. C. Barnes Co., a corporation, organized under the laws of Oregon and having a representative at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 14, 1923, from the Territory of Alaska into the State of Washington, of quantities of canned salmon which was adulterated. A portion of the article was labeled in part: (Can) "Dollar Brand Alaska Pink Salmon * * * Packed For F. C. Barnes Co. Of Portland, Oregon." The remainder of the said article was labeled in part: (Can) "Red Seal Salmon."

Examination by the Bureau of Chemistry of this department of 144 cans from the Dollar brand salmon and of 96 cans from the Red Seal brand salmon showed that 52 cans and 35 cans, respectively, or 36.1 per cent and 36.4 per cent, respectively, of those examined, were decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On March 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13139. Adulteration of butter. U. S. v. 10 Cubes of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18860. I. S. No. 20387-v. S. No. W-1522.)

On or about July 10, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Merrill Creamery, Klamath Falls, Oreg., June 26, 1924, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been wholly or in part substituted for butter, and for the further reason that a valuable constituent, milk fat, had been in part abstracted from the said article.

On March 2, 1925, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13140. Adulteration and misbranding of caviar. U. S. v. 3 Cases of Caviar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19466. I. S. No. 20420-v. S. No. W-1629.)

On January 2, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases of caviar, remaining in the original unbroken

packages at San Francisco, Calif., alleging that the article had been shipped by Hansen & Dieckmann, from New York, N. Y., May 20, 1924, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dieckmann's Russian Cossack Brand Prime Caviar Hansen & Dieckmann Hamburg New York Astrakhan."

Adulteration of the article was alleged in the libel for the reason that roe other than that of sturgeon had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the packages or labels bore the statement "Russian Cossack * * * Prime Caviar Hansen & Dieckmann Hamburg * * * Astrakhan," regarding the article, which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the packages containing the article were falsely branded as to the country in which it was produced, and for the further reason that it was an imitation of or offered for sale under the distinctive name of another article.

On March 2, 1925, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13141. Misbranding of oils. U. S. v. Aeolian Importing Corp. Pleas of nolo contendere. Fines, \$50. (F. & D. Nos. 17522, 17617. I. S. Nos. 1688-v, 1828-v, 1829-v, 1835-v, 1839-v; 1840-v, 1842-v.)

On June 28 and October 10, 1923, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Aeolian Importing Corp., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on February 2, 1923, and March 14, 1923, respectively, from the State of Massachusetts into the State of New Hampshire, of quantities of olive oil and other oils which were misbranded. The olive oil was labeled in part: (Can) "Net Contents One Quart" (or "Net Contents Half Gallon") "Aeolian Brand Imported Pure Olive Oil * * * Importers & Packers, Boston, Mass. * * * Aeolian Importing Co." The remaining products were labeled, respectively: (Can) "Adriatic Brand Superior Quality Oil A Compound Of Cotton Seed Oil Flavored With High Grade Olive Oil" and "Extra Fine Oil Splendor Brand Vegetable Oil Flavored With Pure Olive Oil," together with the statement of the contents, namely, "Net Contents One Gallon" or "Net Contents One Quart," as the case might be.

Examination of samples of the articles by the Bureau of Chemistry of this department showed that 20, 37, and 17 cans of the quart size Aeolian brand from the three consignments averaged 0.948, 0.942, and 0.964 quart, respectively, and 16 cans of the half gallon size Aeolian brand averaged 0.971 half gallon. 30 cans of the quart size and 12 cans of the gallon size of the Adriatic brand averaged 0.969 quart and 0.972 gallon, respectively, and 8 cans of the Splendor brand averaged 0.969 gallon.

Misbranding of the articles was alleged in the information for the reason that the respective statements, to wit, "Net Contents One Quart," "Net Contents Half Gallon," and "Net Contents One Gallon," borne on the various sized cans containing the said articles, were false and misleading, in that they represented that the said cans contained 1 quart, one half gallon, or 1 gallon of the products, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained 1 quart, one half gallon, or 1 gallon of the said products, as the case might be, whereas, in truth and in fact, each of said cans did not contain the amount of the respective products declared on the label but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On March 2, 1925, pleas of nolo contendere to the informations were entered on behalf of the defendant company, and the court imposed a fine of \$25 in each case.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13142. Misbranding of flour. U. S. v. 122 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19097. I. S. No. 21070-v. S. No. W-1596.)

On October 29, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 122 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crown Mills, from Portland, Oreg., October 18, 1924, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "Seregro Best Patent Unbleached Flour * * * 24½ Lbs. Seregro Best Patent."

Misbranding of the article was alleged in the libel for the reason that the statement "24½ Lbs." was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 28, 1924, the Crown Mills, Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13143. Adulteration and misbranding of canned oysters. U. S. v. 84 Cases and 30 Cases of Canned Oysters. Decree entered, finding product adulterated and misbranded; released under bond to be relabeled. (F. & D. No. 18534. I. S. Nos. 5236-v, 5237-v. S. No. C-4323.)

On April 5, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 114 cases of canned oysters, at Altus, Okla., alleging that the article had been shipped by the Shelmore Oyster [Products] Co., Memphis, Tenn., on or about November 29, 1923, and transported from the State of Tennessee into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: (Can) "Louis Brand * * * Oysters Contents 8 Ozs. Oyster Meat." The remainder of the said article was labeled: (Can) "New State Brand Oysters * * * Contents 10 Oz. Oyster Meat Famous For Flavor."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was food in package form and the quantity and contents were not plainly and conspicuously marked on the outside of the packages.

On September 29, 1924, the Shelmore Oyster Products Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product adulterated and misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, and that it be relabeled and reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13144. Adulteration and misbranding of sweet chocolate coating. U. S. v. Royal Cocoa Co. Plea of guilty. Fine, \$150. (F. & D. No. 18763. I. S. No. 2770-v, 16012-v.)

On December 13, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Royal Cocoa Co., a corporation, Camden, N. J., alleging shipment by said company, in violation of the food and drugs act, in part on or about August 13, 1923, and in part on or about March 20, 1924, from the State of New Jer-

sey into the State of Pennsylvania, of quantities of sweet chocolate coating which was adulterated and misbranded. A portion of the article was labeled, "Dandy 349-30803 Sweet Chocolate Coating." The remainder of the said article was labeled in part: "Dandy * * * Sweet Choc. Ctg."

Analyses by the Bureau of Chemistry of this department of a sample from each of the consignments showed that they contained excessive quantities of cocoa shells.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an excessive amount of cocoa shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for sweet chocolate coating, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Chocolate," with respect to a portion of the product, and the statement "Dandy Choc. Ctg.," with respect to the remainder thereof, appearing on the labels, were false and misleading, in that they represented the article to be unadulterated chocolate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was unadulterated chocolate, whereas, in truth and in fact, it was not unadulterated chocolate, in that it contained an excessive amount of cocoa shells.

On January 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13145. Adulteration of butter. U. S. v. 51 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19865. I. S. No. 23129-v. S. No. C-4646.)

On or about February 11, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 51 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Medina Butter Co., from Deerfield, Wis., February 3, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On February 16, 1925, H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to remove the excess water and raise the butterfat content to not less than 80 per cent.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13146. Adulteration of canned salmon. U. S. v. 379 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18965. I. S. No. 20232-v. S. No. W-1582.)

On September 13, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 379 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Superior Fisheries, from Tenakee, Alaska, August 21, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gorman's Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 20, 1924, the Superior Fisheries Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13147. Adulteration of canned cut green beans. U. S. v. 330 Cases of Canned Cut Green Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18929. I. S. No. 18880-v. S. No. C-4036.)

On or about August 28, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 330 cases of canned cut green beans, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by John H. Leslie Co., from Chicago, Ill., on or about March 15, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Asper Brand Cut Green Stringless Beans * * * Aspers Fruit Products Co., Aspers, Pa."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On January 28, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13148. Misbranding of butter. U. S. v. 16 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19864. I. S. No. 16295-v. S. No. E-5145.)

On February 21, 1925, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by Armour Creameries, from Louisville, Ky., on or about January 21, 1925, and transported from the State of Kentucky into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "32 Lbs. Net. 32," (carton) "1 Pound Net Weight Greenfield Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Pound Net Weight," borne on the cartons containing the article, and the statement "32 Lbs. Net Weight," borne on the cases, were false and misleading and deceived and misled the purchaser into the belief that each of the said cartons contained 1 pound net of butter and that each of said cases contained 32 pounds net of butter, whereas, in truth and in fact, the said cartons contained less than 1 pound of butter, and the said cases contained less than 32 pounds of butter. Misbranding was alleged for the further reason that the article was food in package form and the contents of the packages were not plainly and conspicuously marked on the outside thereof.

On February 27, 1925, Morris & Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be relabeled to show the correct weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13149. (Supplement to Notice of Judgment No. 12499.) Adulteration of canned raspberries. U. S. v. 485 Cases and 140 Cases of Raspberries. Default decree of condemnation and destruction or sale. (F. & D. Nos. 16784, 16820. I. S. Nos. 3771-v. 4076-v. S. Nos. C-3787, C-3805.)

On February 27, 1925, the decree entered in the case involving the shipment of 625 cases of canned raspberries, by Friday Bros. Canning Co., Coloma, Mich., into the State of Illinois, which provided for the release of the product under bond to the claimant to be salvaged, was vacated by the court nunc pro tunc (now for then) as of July 26, 1924.

On February 28, 1925, a default decree was entered by the court, ordering the destruction of the product, said decree providing, however, that such part of the product as might be found by this department to be fit for food might be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13150. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19808. I. S. No. 23107-v. S. No. C-4641.)

On February 6, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Community Creamery Co., from Riley, Kans., January 28, 1925, and transported from the State of Kansas into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance to wit, excessive water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted from the said article, and for the further reason that it contained less than 80 per cent of butterfat.

During the February, 1925, term of court, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 13101 TO 13150

Apples, evaporated:	N. J. No.
Williams, A. B., Fruit Co-----	13118
Atropine sulphate tablets:	
Buffington's Inc-----	13101
Beans, canned:	
Leslie, John H., Co-----	13147
Butter:	
Armour Creameries-----	13148
Community Creamery Co. 13133,	13150
Connersville Creamery Co-----	13128
Medina Butter Co-----	13145
Merrill Creamery-----	13139
Minnesota Co-operative Cream-	
ery Co-----	13110
Nashville Pure Milk Co-----	13105
Turnbull, J. G., Co-----	13111
Caffeine tablets:	
Buffington's Inc-----	13101
Caviar:	
Hansen & Dieckmann-----	13140
Chestnuts. <i>See</i> Nuts.	
Chocolate coating:	
Royal Cocoa Co-----	13144
Coffee:	
Folger, J. A., & Co-----	13134
Cottonseed meal. <i>See</i> Feed.	
Eggs:	
Wood County Produce Co. 13102,	13103
frozen:	
Aaron, Theodore-----	13108
Extract, vanilla:	
Morrow & Co-----	13131
Feed, cottonseed meal:	
Conway Oil & Ice Co-----	13104
middlings:	
Gambrill, C. A., Mfg. Co-----	13112
tankage:	
Chapman-Doake Co-----	13119
Rogers By-Products Co-----	13115
Fish, salmon:	
A. & P. Products Corp-----	13116
Barnes, F. C., Co-----	13138
Pidalgo Island Packing Co-----	13114
Superior Fisheries-----	13146
sardines:	
Globe Canning Co-----	13106
Flour:	
Crown Mills-----	13142
Heroin hydrochloride tablets:	
Buffington's Inc-----	13101
Middlings. <i>See</i> Feed.	
Morphine sulphate tablets:	
Buffington's Inc-----	12101

Mustard:	N. J. No.
Luedemann, A-----	13107
Nitroglycerin tablets:	
Buffington's Inc-----	13101
Nuts, chestnuts:	
Garfunkel & Justman-----	13113
Italian Importing Co-----	13137
Oil, cottonseed:	
Aeolian Importing Corp-----	13141
olive:	
Aeolian Importing Corp-----	13141
vegetable:	
Aeolian Importing Corp-----	13141
Bruck, Sam-----	13122
Olive oil. <i>See</i> Oil.	
Oranges:	
Glen Rosa Orchards-----	13109
Oysters. <i>See</i> Shellfish.	
Potatoes:	
Boyne City Cooperative Assoc--	13125
Chatterton & Son-----	13123
Henney, A. M., Co-----	13124
McClintock & Co-----	13126
Michigan Potato Growers Ex-	
change-----	13127
Quinine sulphate tablets:	
Buffington's Inc-----	13101
Raspberries, canned:	
Friday Bros. Canning Co-----	13149
Salmon. <i>See</i> Fish.	
Sardines. <i>See</i> Fish.	
Shellfish, oysters:	
Shelmore Oyster Products Co--	13143
Shrimp:	
Marine Products Co-----	13130
Succotash:	
Tuttle & Co-----	13129
Tankage. <i>See</i> Feed.	
Tomato pulp:	
Greco Canning Co-----	13135
puree:	
Davis Canning Co-----	13120
Townsend, J. G., Jr., & Co-----	13132
sauce:	
Hershel California Fruit Prod-	
ucts Co-----	13121
Tomatoes, canned:	
Davis Canning Co-----	13136
Roberts, Thos., & Co-----	13117
Vanilla extract. <i>See</i> Extract.	
Vegetable oil. <i>See</i> Oil.	



United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13151-13200

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 20, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13151. Adulteration and misbranding of butter. U. S. v. the Corbett Ice Cream Co. Plea of guilty. Fine, \$165. (F. & D. No. 18993. I. S. Nos. 12176-v, 20002-v, 20003-v, 20004-v, 20006-v.)

On December 26, 1924, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Corbett Ice Cream Co., a corporation, trading at Cheyenne, Wyo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 5, 8, 10, and 15, 1924, respectively, from the State of Wyoming into the State of Colorado, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Corbett's Quality Creamery Butter * * * Corbett Ice Cream Company * * * Cheyenne, Wyoming, One Lb. Net."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said article was deficient in milk fat. Examination by said bureau of 60 cartons from the consignment of February 8, 1924, showed an average net weight of 15.69 ounces of butter.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Creamery Butter," borne on the packages containing the article, and the statement "One Lb. Net," borne on the packages containing a portion of the product consigned February 8, 1924, were false and misleading, in that the said statements represented that the article was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, and that the packages containing the said portion of the product contained 1 pound net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, and that the packages containing the said portion of the product contained 1 pound net thereof, whereas, in truth and in fact, the said article was not butter, in that it contained less than 80 per cent by weight of milk fat, and the packages containing the said portion contained less than 1 pound net of the article. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the said portion of the product consigned February 8, 1924, for the further reason that it was food in package form and the

quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the stated quantity, "One Lb. Net," was incorrect.

On March 7, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$165.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13152. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19837. I. S. No. 13538-v. S. No. E-5139.)

On February 13, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Prescott Creamery, Prescott, Iowa, on or about January 31, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On February 26, 1925, Charles P. McCabe & Son, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$650, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13153. Adulteration and misbranding of tomato paste. U. S. v. 200 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19443. I. S. No. 13388-v. S. No. E-5078.)

On December 27, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of tomato paste, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by A. Morici & Co., from San Francisco, Calif., on or about September 25, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Naples Style Tomato Sauce * * * Contadina Brand With Basil * * * Packed By Hershel Cal. Fruit Prod. Co. * * * San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste, or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Tomato Sauce" was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared on the label, and for the further reason that it was offered for sale under the distinctive name of another article.

On February 20, 1925, Vincenzo Bongiorno and Vincenzo Zammataro, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled by adding the words "Artificially Colored" in conspicuous places on the above-quoted labels.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13154. Adulteration and misbranding of oats. U. S. v. 400 Sacks of Daisy Mixed Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18644. I. S. No. 18064-v. S. No. C-4352.)

On May 3, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of Daisy mixed oats, remaining in the original unbroken packages at West Point, Miss., alleging that the article had been shipped by Embry E. Anderson, Memphis, Tenn., April 23, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Daisy Mixed Oats Other Grains Re-cleaned Bleached Embry E. Anderson Memphis, Tenn.," the words "Daisy Mixed Oats" being in relatively large heavy type, and the words "Other Grains" in relatively small light type.

Adulteration of the article was alleged in the libel for the reason that water and salt had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality or strength and for the further reason that screenings, water, and salt had been substituted wholly or in part for oats.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the designation "Daisy Mixed Oats Re-cleaned" was false and misleading and deceived and misled the purchaser, and the statement "Other Grains" did not correct the misleading impression conveyed by the words "Daisy Mixed Oats."

On October 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13155. Misbranding of oats. U. S. v. 140 Sacks of Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18672. I. S. No. 18070-v. S. No. C-4354.)

On May 9, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 140 sacks of oats, remaining in the original unbroken packages at Starkville, Miss., alleging that the article had been shipped by L. P. Cook, Memphis, Tenn., April 23, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Top of sack) "Sulphurized Oats," (bottom of sack) "Mixed Grain 160 Lbs. Gross."

Misbranding of the article was alleged in substance in the libel for the reason that it was a product consisting of an admixture of oats and foreign material including wild oats, barley, rye and wheat chaff, and dirt, and was offered for sale under the distinctive name of another article, to wit, "Sulphurized Oats." Misbranding was alleged for the further reason that the designation "Sulphurized Oats" was false and misleading and deceived and misled the purchaser and the statement "Other Grains" ("Mixed Grain") placed inconspicuously at the bottom of the sacks did not correct the misleading impression conveyed by the words "Sulphurized Oats." Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count since "Gross Weight" was given instead of "Net Weight."

On October 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13156. Adulteration and misbranding of oats. U. S. v. 40 Sacks of Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18660. I. S. No. 18081-v. S. No. C-4370.)

On May 7, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 40 sacks of oats, remaining in the original unbroken packages at Eupora, Miss., alleging that the article had been shipped by John Wade & Sons, Memphis, Tenn., April 28, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was billed as feed oats and invoiced as white feed oats.

Adulteration of the article was alleged in the libel for the reason that an admixture consisting of oats and foreign material including wild oats, barley, and other grains, chaff and dirt and excess moisture had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality or strength, and had been substituted in whole or in part for oats, which the said article purported to be.

Misbranding was alleged for the reason that the article contained a mixture of oats and foreign material, bleached with sulfur dioxide, and was offered for sale under the distinctive name of "White Feed Oats." Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count.

On December 3, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13157. Misbranding of oats. U. S. v. 230 Sacks of Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18667. I. S. No. 18432-v. S. No. C-4380.)

On May 7, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 230 sacks of oats, remaining in the original unbroken packages at Jonestown, Miss., alleging that the article had been shipped by the George J. Hamner Grain Co., Memphis, Tenn., April 24, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was invoiced as "Oats."

Misbranding of the article was alleged in substance in the libel for the reason that it was an admixture of oats and foreign material including wild oats, barley, skimmings, rye, white (wheat) chaff, and dirt, said foreign material having been bleached with sulfur dioxide, which was not declared, and was offered for sale under the distinctive name of "Oats." Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count.

On October 22, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13158. Misbranding of vanilla extract. U. S. v. 42 Dozen Bottles of Vanilla Extract. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18710. I. S. No. 20205-v. S. No. W-1511.)

On May 29, 1924, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 dozen bottles of vanilla extract, at Butte, Mont., alleging that the article had been shipped by Stone-Ordean-Wells Co., Duluth, Minn., on or about May 6, 1924, and transported from the State of Minnesota into the State of Montana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle and carton) "Two Fluid Ounces Stone's Pure Extract Vanilla Alcohol 40% * * * Stone-Ordean-Wells Company Duluth."

Misbranding of the article was alleged in the libel for the reason that the statements on the labels of the bottles and cartons containing the said article, with regard to the measure and content thereof, namely, "Two Fluid Ounces Stone's Pure Extract Vanilla, Alcohol 40%," were false and misleading and deceived and misled the purchaser, in that the product was short in volume and did not contain the volume and content as labeled. Misbranding was

alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the said packages in terms of weight and measure.

On August 25, 1924, the Stone-Ordean-Wells Co., Duluth, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13159. Misbranding of butter. U. S. v. 16 Cases of Butter. Consent decree of forfeiture. Product released under bond. (F. & D. No. 19863. I. S. No. 16429-v. S. No. E-5144.)

On February 21, 1925, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases, each containing 32 cartons, of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., on or about February 10, 1925, and transported from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Brookfield Creamery Butter Swift & Company, U. S. A. 1 Lb. Net Weight," (shipping case) "32 Lbs. Net Brookfield Creamery Butter. $\frac{1}{4}$ lb. prints in 1 lb. cartons."

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "1 Lb. Net Weight" and "32 Lbs. Net," borne on the cartons and cases respectively, were false and misleading and deceived and misled the purchaser into the belief that each of said cartons contained 1 pound net weight of butter, and that each of said cases contained 32 pounds net weight of butter, whereas, in truth and in fact, the cartons contained less than 1 pound of butter and the cases contained less than 32 pounds of butter. Misbranding was alleged for the further reason that the article was in package form and the contents thereof were not plainly and conspicuously marked on the outside of the packages.

On March 10, 1925, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered, forfeiting the product, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13160. Adulteration of canned sardines. U. S. v. 40 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19134. I. S. No. 23014-v. S. No. C-4042.)

On November 8, 1924, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 cases of sardines, remaining in the original unbroken packages at Grand Island, Nebr., alleging that the article had been shipped by the Johnson Bay Canning Co., from Eastport, Me., on or about July 4, 1924, and transported from the State of Maine into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Enterprise Brand American Sardines * * * Packed By Johnson Bay Canning Co., Lubec, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 6, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13161. Misbranding of cottonseed meal. U. S. v. Purcell Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19304. I. S. No. 12309-v.)

On January 21, 1925, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district an information against the Purcell Cotton Oil Co., a corporation, Purcell, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about November 23, 1923, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Little Bull Brand Cotton Seed Meal & Cake * * * Guaranteed Analysis Protein 43%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.5 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Cotton Seed Meal & Cake * * * Guaranteed Analysis Protein 43%," borne on the tags attached to the sacks containing the article, were false and misleading, in that they represented that the article contained 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 43 per cent of protein, whereas it did not contain 43 per cent of protein but did contain a less amount.

On March 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13162. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19856. I. S. No. 14101-v. S. No. E-5158.)

On February 17, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Clarks Grove Cooperative Creamery, Clarks Grove, Minn., alleging that the article had been shipped from Clarks Grove, Minn., on or about January 30, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On March 10, 1925, Ayer & McKinney, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be brought into conformity with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13163. Adulteration of butter. U. S. v. 3 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19855. I. S. No. 21132-v. S. No. W-1673.)

On February 17, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Union Creamery Co., La Grande, Oreg., about January 21, 1925, and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat content had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was

alleged for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

On March 5, 1925, the Union Creamery Co., La Grande, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act, conditioned in part that the product be brought into conformity with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13164. Adulteration and misbranding of butter. U. S. v. 108 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19838. I. S. No. 13470-v. S. No. E-5138.)

On February 11, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 108 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Assoc., Hull, Iowa, on or about February 1, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 2, 1925, the Farmers Cooperative Creamery Assoc., Hull, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,750, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so that it should comply with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13165. Adulteration and misbranding of canned tomatoes. U. S. v. 400 Cases and 550 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19420. I. S. Nos. 13213-v, 13214-v. S. No. E-5069.)

On December 23, 1924, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 950 cases of canned tomatoes, at Troy, N. Y., alleging that the article had been shipped by W. E. Robinson, from Laurel, Del., on or about October 9, 1924, and transported from the State of Delaware into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Robinson's Brand Tomatoes * * * Packed For W. E. Robinson & Co., Bel Air, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On March 7, 1925, the Davis Canning Co., Laurel, Del., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled in part: "Water 50% Tomatoes 50% * * * These tomatoes were canned with an additional equal amount of water. Packed by Davis Canning Co. Laurel Del. Canned Tomatoes Should Be Packed In Their Own Juice Without Added Water."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13166. Misbranding of meat scrap. U. S. v. the American Agricultural Chemical Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 19336. I. S. No. 16015-v.)

At the December, 1924, term of the United States District Court, within and for the District of Maryland, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the American Agricultural Chemical Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act, on or about March 14, 1924, from the State of Maryland into the State of Pennsylvania, of a quantity of meat scrap which was misbranded. The article was labeled in part: "Prottox Pure Ground Meat Scraps * * * The American Agricultural Chemical Company AA Quality Guaranteed Analysis Protein 55%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 47.42 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 55%," borne on the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 55 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas, in truth and in fact, it did contain less than 55 per cent of protein, to wit, approximately 47.42 per cent of protein.

On March 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13167. Adulteration of butter. U. S. v. 16 Cubes of Butter. Product reconditioned and released to claimant. (F. & D. No. 19054. I. S. No. 11697-v. S. No. W-1576.)

On or about September 9, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Farmers Cooperative Creamery Co., Payette, Idaho, on or about August 6, 1924, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent of the article, milk fat, had been partially abstracted therefrom.

On December 10, 1924, the Farmers Cooperative Creamery Co., Payette, Idaho, having appeared as claimant for the property and the product having been reconditioned to conform with the law, an order of the court was entered, providing that the product be released to the claimant upon payment of the costs of the proceedings and that the bond theretofore filed be exonerated.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13168. Adulteration of canned sardines. U. S. v. 11½ Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19461. I. S. No. 13208-v. S. No. E-5051.)

On January 9, 1925, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11½ cases of sardines, at Troy, N. Y., alleging that the article had been shipped by the Seacoast Canning Co., Eastport, Me., on or about September 16, 1924, and transported from the State of Maine into the

State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Neptune Brand American Sardines In Cotton Seed Oil Seacoast Canning Co. Eastport, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13169. Adulteration of butter. U. S. v. 31 Tubs and 34 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. Nos. 19834, 19851. I. S. Nos. 23134-v, 23137-v. S. Nos. C-4648, C-4657.)

On February 11 and 17, 1925, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 65 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Twin City Creamery Co., from Minneapolis, Minn., in part February 6 and in part February 11, 1925, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On March 18, 1925, the cases having been consolidated into one action and the Twin City Creamery Co., Minneapolis, Minn., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of milk fat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13170. Adulteration and misbranding of tomato sauce and tomato pulp. U. S. v. 50 Cases of Tomato Sauce and Tomato Pulp. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 19487. I. S. No. 13457-v. S. No. E-4905.)

On January 12, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of tomato sauce and tomato pulp, consigned from San Francisco, Calif., remaining in the original unbroken packages at New York N. Y., alleging that the article had been shipped by the Greco Canning Co., on or about November 26, 1924, in interstate commerce, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Sauce" (or "Pulp") "Packed By Greco Canning Co. San Jose * * * Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially-colored tomato paste, or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce" or "Tomato Pulp," as the case might be, borne on the labels, was false and misleading and deceived and misled the purchaser.

On March 19, 1925, Charles F. Martorelli, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant

upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department so that the said labels bear the statement "Artificially Colored."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13171. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 1,200 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19460. I. S. No. 6280-v. S. No. C-4050.)

On January 2, 1925, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,200 cases of canned tomatoes, at Kingsville, Tex., alleging that the article had been shipped by the H. J. McGrath Co., from New York, N. Y., on or about September 27, 1924, and transported from the State of New York into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "McGrath's Champion Brand Tomatoes. Contents 10 Oz. Packed by The H. J. McGrath Co. Baltimore, Md. U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its strength or quality and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statement "Tomatoes," regarding the article or the ingredients or substances contained therein, which was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On March 21, 1925, the H. J. McGrath Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled so as to show the amount of added water.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13172. Misbranding of National hog remedy. U. S. v. Hamilton C. Moorman (National Livestock Remedy Co.). Defendant demurs to information. Demurrer overruled. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 8612. I. S. No. 12709-m.)

On May 29, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hamilton C. Moorman, trading as the National Livestock Remedy Co., Chicago, Ill., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about March 14, 1917, from the State of Illinois into the State of Ohio, of a quantity of National hog remedy which was misbranded. The article was labeled in part: (Sack) "National Hog Remedy Made Only By National Live Stock Remedy Co. Chicago, Ill. Directions Inside."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of sodium sulphate, ferrous sulphate, and carbon, with a small amount of wormseed and other plant tissue.

Misbranding of the article was alleged in the information for the reason that the statements regarding its therapeutic and curative effects, appearing in the circular accompanying the said article, to wit, "National Hog Remedy * * * Swine Plague * * * can be prevented by the use of National Hog Remedy" and "National Hog Remedy * * * Swine Plague * * * Treatment * * * Give * * * National Hog Remedy," were false and fraudulent, in that the said statements represented that the article was effective as a preventive of swine plague and was effective as a treatment for swine plague, whereas, in truth and in fact, it was not.

On December 27, 1923, the case was called for hearing on demurrer filed by the defendant on April 2, 1920, and the demurrer was overruled by the court. On March 26, 1925, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13173. Adulteration of canned salmon. U. S. v. North Pacific Trading & Packing Co. Plea of guilty. Fine, \$100. (F. & D. No. 19284. I. S. Nos. 2113-v, 2727-v, 5052-v, 6650-v, 6651-v, 8317-v.)

On February 18, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the North Pacific Trading & Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about September 18 and 22, 1922, respectively, from the Territory of Alaska into the State of Washington, of quantities of salmon which was adulterated. The article was labeled in part: (Can) "Klawack Brand Fresh Alaska Pink Salmon Packed * * * By The North Pacific Trading And Packing Company San Francisco Calif.

Examination by the Bureau of Chemistry of this department of samples from the two consignments showed that 28.1 per cent and 31.6 per cent, respectively, of the cans examined were decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13174. Misbranding of cottonseed meal. U. S. v. Buckeye Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 16956. I. S. Nos. 6734-t, 9187-t, 9333-t, 9489-t, 17008-t.)

On September 17, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, trading at Macon, Ga., alleging shipment by said company, in violation of the food and drugs act, from the State of Georgia, in various consignments, namely, on or about November 2, 1921, and February 3, 1922, respectively, into the State of Florida, on or about November 12, 1921, into the State of Virginia, on or about January 3, 1922, into the State of Massachusetts, and on or about January 9, 1922, into the State of North Carolina, of quantities of cottonseed meal which was misbranded. The two consignments of the product consigned November 2, 1921, and February 3, 1922, respectively, into Florida were labeled in part: "Buckeye Good Cottonseed Meal Manufactured By The Buckeye Cotton Oil Co. General Offices, Cincinnati, Ohio Guarantee Protein 36.00% * * * Ammonia 7.00% Fibre 14.00%." The product consigned January 3, 1922, into Massachusetts was labeled in part: "Cotton Seed Meal Guaranteed Analysis * * * Protein 36.00% * * * Equivalent Nitrogen 5.75%." The product consigned January 9, 1922, into North Carolina was labeled in part: "Good Cottonseed Meal * * * Manufactured By The Buckeye Cotton Oil Company General Offices, Cincinnati, Ohio Shipped By Charlotte, N. C. Mill. Ammonia 7% Protein 36%." The product consigned November 12, 1921, into Virginia was labeled in part: "Cotton Seed Feed * * * Protein (minimum) 36.00%."

Analyses by the Bureau of Chemistry of this department of a sample from each of the five consignments showed that the said samples contained 35.31 per cent, 34.88 per cent, 34.31 per cent, 35.31 per cent, and 35.19 per cent, respectively, of protein. The product consigned January 3, 1922, contained 5.65 per cent of nitrogen, and the product consigned February 3, 1922, contained 6.68 per cent of ammonia and 14.30 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the following statements, to wit, "Guaranteed Analysis * * * Protein 36.00% * * * Equivalent Nitrogen 5.75%," with respect to the product consigned January 3 into Massachusetts, "Guarantee Protein 36.00%," with respect to the product consigned November 2, 1921, into Florida, "Protein 36% and "Shipped by Charlotte, N. C. Mill," with respect to the product consigned January 9, 1922, into North Carolina, and "Guarantee Protein 36.00% * * * Ammonia 7.00%. Fibre 14.00%," with respect to the product consigned February 3, 1922, into Florida, and "Guaranteed Analysis Protein (minimum) 36.00%," with respect to the product consigned November 12, 1921, into Virginia, were false and misleading, in that the said statements represented that the article contained not less than 36 per cent of protein, that the product consigned January 3, 1922, into Massachusetts contained the equivalent of 5.75 per cent of nitrogen, that the product consigned February 3,

1922, into Florida contained not less than 7 per cent of ammonia and not more than 14 per cent of crude fiber, and that the product consigned January 9, 1922, into North Carolina had been shipped from the State of North Carolina, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the proportions of protein, nitrogen, ammonia, and fiber declared in the said statements, and that the product consigned January 9, 1922, into North Carolina had been shipped from the State of North Carolina, whereas, in truth and in fact, the said article contained less than 36 per cent of protein, the product consigned January 3, 1922, into Massachusetts contained less than the equivalent of 5.75 per cent of nitrogen, the product consigned February 3, 1922, into Florida contained less than 7 per cent of ammonia and more than 14 per cent of crude fiber, and the product consigned January 9, 1922, into North Carolina was not shipped from the State of North Carolina but was shipped from the State of Georgia. Misbranding was alleged for the further reason that the statements, "Cotton Seed Meal" or "Good Cotton Seed Meal," as the case might be, borne on the labels of the product, with the exception of the consignment of November 12, 1921, into Virginia were false and misleading, in that the said statements represented that the product was cottonseed meal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal, whereas it was not cottonseed meal but was a product inferior to cottonseed meal, to wit, cottonseed feed.

On April 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13175. Adulteration of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19892. I. S. No. 23147-v. S. No. C-4671.)

On February 27, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Herman-Casselton Creamery, Inc., from Herman, Minn., February 16, 1925, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On March 24, 1925, the Herman-Casselton Creamery, Inc., Herman, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13176. Misbranding of feed. U. S. v. Alco Feed Mills. Plea of guilty. Fine, \$50. (F. & D. No. 18341. I. S. Nos. 814-v, 815-v, 816-v.)

On March 10, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alco Feed Mills, Atlanta, Ga., alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 23, 1923, from the State of Georgia into the State of South Carolina, of quantities of feed which was misbranded. The article was labeled in part: (Stenciled on sack) "100 Lbs. Net," (tag) "Alco Sweet Feed" (or "Alco Hen Feed" or "Big Ace Sweet Feed") "Manufactured by Alco Feed Mills Atlanta, Ga."

Examination of the article by the Bureau of Chemistry of this department showed that 9 sacks of Alco sweet feed averaged 97.67 pounds net, 15 sacks of Alco hen feed averaged 97.65 pounds net, and 27 sacks of Big Ace sweet feed averaged 97.3 pounds net.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Lbs. Net," borne on the sacks containing the article, was false and misleading, in that the said statement represented that each of said sacks contained 100 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 100 pounds net of the article, whereas each of said sacks did not contain 100 pounds net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13177. Adulteration and misbranding of tomato sauce. U. S. v. 500 Cases of Tomato Sauce. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19441. I. S. No. 17109-v. S. No. E-5065.)

On December 26, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 cases, each containing 200 cans, of tomato sauce, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Francisco, Calif., in part September 27, 1924, and in part October 27, 1924, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Naples Style Tomato Sauce Contadina Brand with Basil * * * Packed By Hershel Cal. Fruit Prod. Co. * * * San Jose, Cal."

It was alleged in the libel that the article was adulterated in that artificially-colored pulp (paste or sauce) had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the packages enclosing the article contained labels bearing a statement regarding the article and the ingredients and substances contained therein which was false and misleading, in that the said statement indicated to the purchaser that the package contained "Tomato Sauce," whereas, in truth and in fact, it was composed of artificially-colored tomato paste, or sauce.

On March 17, 1925, Antonio Marano, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,100, in conformity with section 10 of the act, conditioned in part that it be relabeled in accordance with the ruling of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13178. Adulteration of chocolate concentrate. U. S. v. 7 Gallons and 3 Gallons of Chocolate Concentrate. Default decrees of condemnation, forfeiture, and destruction or sale. (F. & D. Nos. 18610, 18612. I. S. Nos. 12939-v, 12989-v. S. Nos. E-4820, E-4822.)

On April 23, 1924, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 10 gallons of chocolate concentrate, remaining in the original unbroken packages in part at Collinsville, Conn., and in part at Bristol, Conn., alleging that the article had been shipped by the Jack Beverages, Inc., New York, N. Y., in two consignments, on or about March 31, 1923 (1924), and April 5, 1924, respectively, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "5 Gals. Real Chocolate Concentrate Contains Sodium Benzoate less than $\frac{1}{10}$ of 1% in finished product * * * Jack Beverages, Inc., 235 East 47th Street, New York."

Adulteration of the article was alleged in the libels for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On June 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13179. Misbranding of peanut meal. U. S. v. 65 Sacks of Peanut Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19537. I. S. No. 21292-v. S. No. E-5118.)

On January 28, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 sacks of peanut meal, remaining in the original unbroken packages at Bel Air, Md., alleging that the article had been shipped by the Suffolk Oil Mill, from Suffolk, Va., about October 2, 1924, and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Pounds Peanut Meal Manufactured By Suffolk Oil Mill Suffolk, Va. Guaranteed Analysis Protein 41 per cent * * * Made From Shelled Peanuts."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein 41 per cent" was false and misleading and deceived and misled the purchaser.

On February 9, 1925, the Suffolk Oil Mill, Suffolk, Va., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until correctly labeled and inspected by a representative of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13180. Misbranding of crab meat. U. S. v. Rufus A. White and Oscar W. Nelson (White & Nelson). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 19582. I. S. Nos. 12726-v, 12727-v, 13282-v, 13283-v, 16091-v.)

On February 28, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rufus A. White and Oscar W. Nelson, copartners, trading as White & Nelson, Hoopersville, Md., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, namely, on or about August 6, 1924, from the State of Maryland into the District of Columbia, on or about August 12 and 14, 1924, respectively, from the State of Maryland into the State of New York, and on or about August 17, 1924, from the State of Maryland into the State of Pennsylvania, of quantities of crab meat which was misbranded. The article was contained in tins labeled variously: "Contents 1 Lb. Net," "Contents 5 Lbs. Net," or "Net Contents 1 1/4 Lbs."

Examination by the Bureau of Chemistry of this department of 20, 50, and 50 tins, respectively, from the three consignments of the alleged 1-pound tins showed that the average net weight was 14.98, 15.48, and 15.34 ounces, respectively. Examination by said bureau of 75 of the alleged 1 1/4-pound tins and 10 of the alleged 5-pound tins showed that the average net weight was 1 pound 3.5 ounces, and 4 pounds 13 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 1 Lb. Net," "Contents 5 Lbs. Net," and "Net Contents 1 1/4 Lbs.," borne on the respective-sized tins containing the article, were false and misleading, in that the said statements represented that the tins contained 1 pound, 5 pounds, or 1 1/4 pounds of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said tins contained 1 pound, 5 pounds, or 1 1/4 pounds of the said article, as the case might be, whereas, in truth and in fact, the said tins did not contain the said respective amounts but did contain less amounts. Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the

packages, in that the respective quantities marked on the said packages represented more than the actual contents of the packages.

On March 17, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13181. Misbranding of butter. U. S. v. 1 Case, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19799, 19815. I. S. Nos. 17401-v, 17404-v, 17405-v. S. Nos. E-5137, E-5153.)

On February 16 and 21, 1925, respectively, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1 case containing 60 pounds, 20 boxes each containing 30 pounds, and 7 boxes each containing 50 pounds, of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the H. C. Christians Co., in part January 20, 1925, from Deerfield, Wis., and in part January 31, 1925, from Chicago, Ill., and that it had been transported from the States of Wisconsin and Illinois, respectively, into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Parchment wrapper) "One Pound." The remainder of the said article was contained in cartons labeled in part: "Ayrshire Brand * * * Creamery Butter Sold By H. C. Christians Co. Johnson Creek, Wis. * * * Contents 1 Pound Net," and consisted of 1 pound prints and quarter-pound prints wrapped in parchment wrappers labeled, respectively: "One Pound Net" and "4 Ounces Net."

Misbranding of the article was alleged in the libels for the reason that the respective statements "One Pound," "Contents 1 Pound Net," "One Pound Net," and "4 Ounces Net," appearing in the labeling, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 13, 1925, the H. C. Christians Co., Johnson Creek, Wis., having appeared as claimant for the property and having admitted the material allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$624, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until it had been plainly and conspicuously labeled showing its true contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13182. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19852. I. S. No. 19169-v. S. No. C-4650.)

On February 13, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Thorpe Dairy Co., from Thorpe, Wis., February 6, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On March 18, 1925, the Thorpe Dairy Co., Thorpe, Wis., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment

of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so that it contain not less than 80 per cent of milk fat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13183. Misbranding of butter. U. S. v. 30 Packages of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18951. I. S. No. 18328-v. S. No. C-4468.)

On or about August 2, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 packages of butter, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the Dodge County Creamery, Eastman, Ga., July 24, 1924, and transported from the State of Georgia into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Sunny South Butter * * * Dodge County Creamery Eastman, Georgia, One Pound Net When Packed."

Misbranding of the article was alleged in the libel for the reason that the packages of butter, branded and labeled as containing by weight 1 pound net, did not each contain 1 pound of butter but contained a less amount.

On November 3, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13184. Adulteration and misbranding of feed. U. S. v. Western Feed Manufacturers, Inc. Plea of guilty. Fine, \$250 and costs. (F. & D. No. 19254. I. S. Nos. 8838-v, 8842-v, 8848-v, 9101-v, 10584-v.)

On February 10, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Western Feed Manufacturers, Inc., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about April 26, 1923, from the State of Illinois into the State of Maryland, and on or about July 13, September 8, November 12, November 28, and December 22, 1923, respectively, from the State of Illinois into the State of Indiana, of quantities of feed, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled variously: "Sure Pay Scratch Feed * * * Made From—Cracked Corn, Wheat, Barley, Oats, Buck Wheat, Milo And Sunflower Seed"; "'Cee-O-Bee' Chop Feed * * * Made From—Corn Feed Meal, Oat Shorts, Ground Oats, Corn Germ Meal, Reground Oat Feed And Re-cleaned Ground Wheat Screenings"; "'Rep' Dairy Feed Guaranteed Analysis Protein 16% Fibre 12% Fat 4% Made From Bran, Standard Middlings, Gluten Feed, Cotton Seed Meal, Wheat Barley & Kaffir Screenings, Rice Bran, Molasses, And ½ Of 1% Salt"; "Big Flo Dairy Feed Guaranteed Analysis Protein 24% * * * Made From Wheat Bran, Standard Wheat Middlings, Linseed Oil Meal Alfalfa Meal Cotton Seed Meal Gluten Feed." The Big Flo dairy feed was further labeled: (Tag) "compounded from the following ingredients: Wheat Bran, Standard Wheat Middlings, Old Process Linseed Oil Meal, Corn Gluten Feed, Cottonseed Meal, Rice Bran, Alfalfa Meal and ½ of 1% Salt." Each feed was further labeled: "Manufactured Exclusively By Western Feed Mfrs. Chicago, Ill. U. S. A."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that: The Sure Pay scratch feed contained in addition to the declared ingredients a large amount of small weed seeds; the Cee-O-Bee chop feed contained nabisco meal, ice cream cone refuse, or a similar product, whole and crimped oats, and linseed meal, which were not declared, and did not contain ground oats and corn germ meal, which were declared, the protein content and the crude fiber content being 8.36 per cent and 14.68 per cent, respectively; the Rep dairy feed contained ground oat hulls, which were not declared, and did not contain wheat bran and rice bran, which were declared, the protein, crude fat, and crude fiber content being 12.47 per cent, 3.70 per cent, and 12.65 per cent, respectively; a portion of the Big Flo

dairy feed contained corn feed meal and nabisco meal, or a similar product, which were not declared, and did not contain corn gluten feed and rice bran, which were declared. The protein content of the said portion was 20.1 per cent. The remainder of the Big Flo dairy feed contained ground corn, a dried milk product, and a material of the nature of cookie refuse, which were not declared, and did not contain rice bran and corn gluten feed, which were declared. The protein content was 22.40 per cent.

Adulteration of the Sure Pay scratch feed was alleged in the information for the reason that a substance, to wit, screenings consisting of clover seeds and weed seeds, had been substituted in part for the article.

Misbranding was alleged for the reason that the statements in the labelings, to wit, "Made From—Cracked Corn, Wheat, Barley, Oats, Buck Wheat, Milo And Sunflower Seed," regarding the Sure Pay scratch feed, "Big Flo Dairy Feed Guaranteed Analysis Protein 24% * * * Made From Wheat Bran, Standard Wheat Middlings, Linseed Oil Meal Alfalfa Meal Cottonseed Meal Gluten Feed" and "compounded from the following ingredients: Wheat Bran, Standard Wheat Middlings, Old Process Linseed Oil Meal, Corn Gluten Feed, Cottonseed Meal, Rice Bran, Alfalfa Meal and ½ of 1% Salt," regarding the Big Flo dairy feed, "Made From—Corn Feed Meal, Oat Shorts, Ground Oats, Corn Germ Meal, Reground Oat Feed And Recleaned Ground Wheat Screenings" and "Guaranteed Analysis Protein 10% Crude Fiber 12%," regarding the Cee-O-Bee chop feed, and "Guaranteed Analysis Protein 16%, Fiber 12%, Fat 4%, Made From Bran, Standard Middlings, Gluten Feed, Cotton Seed Meal, Wheat Barley & Kaffir Screenings, Rice Bran, Molasses, And ½ Of 1% Salt," with regard to the Rep dairy feed, were false and misleading, in that the said statements represented that the article was made solely from the ingredients declared on the respective labels, that the Big Flo dairy feed contained 24 per cent of protein, that the Cee-O-Bee chop feed contained 10 per cent of protein and not more than 12 per cent of fiber, and that the Rep dairy feed contained 16 per cent of protein, 4 per cent of fat, and 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made solely from the ingredients declared on the respective labels, that the Big Flo dairy feed contained 24 per cent of protein, that the Cee-O-Bee chop feed contained 10 per cent of protein and not more than 12 per cent of fiber, and that the Rep dairy feed contained 16 per cent of protein, 4 per cent of fat, and 12 per cent of fiber, whereas the articles were not made solely from the ingredients declared on the respective labels but did contain certain ingredients not declared and did not contain certain ingredients declared, the Big Flo dairy feed contained less than 24 per cent of protein, the Cee-O-Bee chop feed contained less than 10 per cent of protein and more than 12 per cent of fiber, and the Rep dairy feed contained less than 16 per cent of protein, less than 4 per cent of fat, and more than 12 per cent of fiber.

On March 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13185. Adulteration of tankage. U. S. v. United Bi-Products Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19303, I. S. Nos. 4913-v, 8846-v.)

On February 10, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the United Bi-Products Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about July 30 and October 27, 1923, respectively, from the State of Illinois into the State of Indiana, of quantities of tankage which was adulterated. The article was labeled in part: (Bag) "100 Lbs. Net Success Brand Digester Tankage * * * Guaranteed Analysis Protein 60% * * * Ingredients Meat, Blood and Bone Manufactured By United Bi-Products Co. Kansas City—Chicago—East St. Louis."

Examination of the article by the Bureau of Chemistry of this department showed that it contained a small amount of hoof meal and also an appreciable amount of plant tissues, indicating stomach contents. Analysis by said bureau

of a sample from the consignment of July 30, 1923, showed that the said consignment contained approximately 56.35 per cent of protein.

Adulteration of the article was alleged in the information in that substances, to wit, hoof meal and stomach contents, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for digester tankage made solely from meat, blood, and bone, which the said article purported to be. Adulteration was alleged with respect to the product consigned July 30, 1923, for the further reason that a product deficient in crude protein, in that it contained less than 60 per cent of crude protein, had been substituted for a product guaranteed to contain 60 per cent of crude protein, which the said article purported to be.

On March 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13186. Adulteration of canned salmon. U. S. v. 485 Cases of Salmon. Tried to the court. Judgment for the Government. Decree of condemnation entered. Product released under bond to be salvaged. (F. & D. No. 17293. I. S. No. 6120-v. S. No. C-3902.)

On February 16, 1923, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 485 cases of salmon, at Birmingham, Ala., alleging that the article had been shipped by the Kelley-Clarke Co., from Seattle, Wash., about December 8, 1922, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Action Brand Pink Salmon Distributed By Kelley-Clarke Co. Seattle, Wash., * * * Contents 1 Lb."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed animal substance.

On January 21, 1925, the Southern Alaska Canning Co. having appeared as claimant for the property, the case came on for trial before the court. After the submission of evidence and arguments of counsel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be salvaged and the unfit salmon removed from the good salmon, before the said product be again placed in interstate commerce as a food for human consumption.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13187. Adulteration and misbranding of butter. U. S. v. 30 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19873. I. S. No. 14102-v. S. No. E-5148.)

On February 26, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Minnesota Cooperative Creameries Assn., Duluth, Minn., alleging that the article had been shipped from Duluth, Minn., on or about February 17, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in fat and containing excessive water had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On March 10, 1925, Mads Sendergaard having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, the terms of said bond requiring in part that the product be reconditioned in accordance with the ruling of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13188. Adulteration and misbranding of canned tomatoes. U. S. v. 75
Cartons of Canned Tomatoes. Consent decree of condemnation
and forfeiture. Product released under bond to be relabeled.
(F. & D. No. 19202. I. S. No. 13402-v. S. No. E-5023.)**

On or about November 25, 1924, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 cartons of canned tomatoes, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the H. J. McGrath Co., Baltimore, Md., September 5, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part (Can) "McGrath's Tomatoes Champion Brand * * * Packed by The H. J. McGrath Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Tomatoes" and the cut of a red ripe tomato appearing on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that it was sold under the distinctive name of another article.

On March 12, 1925, the H. J. McGrath Co., Baltimore, Md., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$262, in conformity with section 10 of the act, conditioned in part that it be relabeled to bear in a conspicuous place on the labels the statement "Contains 15% Added Water."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13189. Adulteration and misbranding of canned tomatoes. U. S. v. 999
Cases of Canned Tomatoes. Consent decree of condemnation and
forfeiture. Product released under bond to be relabeled. (F. &
D. No. 19390. I. S. No. 13203-v. S. No. E-5056.)**

On December 17, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 999 cases of canned tomatoes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by W. E. Robinson & Co., from Laurel, Del., on or about October 16, 1924, and transported from the State of Delaware into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dee-Bee Brand Tomatoes * * * Quality First Packed By Davis Canning Co. Laurel, Del. U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Tomatoes" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On March 13, 1925, the Davis Canning Co., Laurel, Del., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled "Water 50% Tomatoes 50% These tomatoes were canned with an additional equal amount of water Packed by Davis Canning Co. Laurel, Del. Canned Tomatoes Should Be Packed In their Own Juice Without Added Water" and be disposed of after such relabeling to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13190. Misbranding of canned clams. U. S. v. J. H. Doxsee & Sons. Plea of guilty. Fine, \$500. (F. & D. No. 19266. I. S. Nos. 434-v, 438-v, 15943-v.)

At the January, 1925, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against J. H. Doxsee & Sons, a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, two shipments on or about April 24, 1923, and one shipment on or about January 30, 1924, from the State of Florida into the State of New York, of quantities of canned clams which were misbranded. The article in two shipments was labeled in part: (Can) "Neptune * * * Steamed Quahaug Clams Contents 10 Oz. Clam Meat, 10 Oz. Clam Juice Packed By J. H. Doxsee & Sons." The article in one shipment was labeled in part: (Can) "Minced Clams Little Neck * * * J. H. Doxsee & Sons * * * Contents 10 Ounces Of Clam Meat, 10 Ounces Of Clam Juice."

Examination by the Bureau of Chemistry of this department of samples consisting of 12 cans taken from each of the consignments showed that the cans contained 8.37, 8.65, and 8.78 ounces, respectively, of clam meat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 10 Oz. Clam Meat" and "Contents 10 Ounces Of Clam Meat," respectively, borne on the cans containing the article, were false and misleading, in that the said statements represented that each of said cans contained 10 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 10 ounces of the article, whereas, in truth and in fact, each of said cans did not contain 10 ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13191. Misbranding of Dr. Sayman's wonder herbs. U. S. v. 48 Packages of Dr. Sayman's Wonder Herbs. Default decree entered. Product ordered destroyed. (F. & D. No. 19102. S. No. C-4514.)

On November 3, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 packages of Dr. Sayman's wonder herbs, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the T. M. Sayman Products Co., St. Louis, Mo., on or about June 1, 1922, and transported from the State of Missouri into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tin box) "Composed Of Roots, Herbs And Barks * * * Sayman's Wonder Herbs A Blood Medicine * * * A Boon For Suffering Women * * * Guaranteed," (circular) "All Herbs," (carton) "Sayman's Wonder Herbs A Blood Medicine * * * Regulates the Liver and Kidneys, cleanses the Blood, and aids Digestion * * * For * * * Dyspepsia, Loss of Appetite * * * Sick Headache * * * LaGrippe, Chills and Fever, Intermittent or Remittent Fever, Weak or Impaired Kidneys * * * Female Complaints and Blood Poison * * * Beneficial to Women suffering from those ailments peculiar to their sex. A valuable treatment for LaGrippe, and its after effects, Malaria, Chills, Fever or Ague, and all diseases arising from an impure or impoverished condition of the blood. * * * disorders of the stomach, liver, and kidneys," (small circular) "The Bitter that is needed for the Blood and the Gall Bladder is furnished through the medium of Sayman's Wonder Herbs—the greatest Blood and Liver Medicine ever compounded * * * an effective Blood Medicine," (retail price list) "for the blood, stomach, liver and kidneys."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of gentian, ginger, rhubarb, licorice, cascara sagrada, buchu, senna, and sodium carbonate or bicarbonate.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false, fraudulent, and misleading, in that it contained no ingredient or combination of ingredients capable of producing the effects claimed, and was not a cure and relief for the complaints and ailments advertised, stated, and claimed as above.

On January 5, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded, and it was ordered by the court that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13192. Adulteration of tomato catsup. U. S. v. 24 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18977. I. S. No. 2499-v. S. No. E-4938.)

On September 17, 1924, the United States attorney for the Western District of Pennsylvania acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of tomato catsup, at Pittsburgh, Pa., alleging that the article had been shipped by the Thomas Page Canning Co., from Albion, N. Y., on or about June 27, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Page Brand Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On December 24, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13193. Adulteration and misbranding of prepared mustard. U. S. v. 32 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18874. I. S. No. 16772-v. S. No. E-4953.)

On August 7, 1924, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 32 cases of prepared mustard, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Federal Food Products Co., from Newark, N. J., on or about March 26, 1924, and transported from the State of New Jersey into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping package) "2 Doz. Mason Jars 16 Oz. Centennial Brand Mustard Manufactured By Federal Mustard Mills, Inc. Newark, N. J." (Jar) "Bauer's Centennial Brand prepared Mustard Net Weight 8 Ozs. Mustard Seed, Pure Spices * * * Manufactured By McLeod, Von Lengerke & Co. Inc. Newark, N. J. 1 Lb. Net."

Adulteration of the article was alleged in the libel for the reason that a substance, mustard bran, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Mustard Net Weight 8 Ozs. Manufactured By McLeod, Von Lengerke & Co. Inc.," borne on the retail package, and "16 Oz. Mustard Manufactured by Federal Mustard Mills, Inc.," borne on the shipping package, were false and misleading and deceived and misled the purchaser, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and for the further reason that it was offered for sale under the distinctive name of another article.

On December 29, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13194. Adulteration and misbranding of horse and mule feed. U. S. v. 100 Bags of Horse and Mule Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18865. I. S. No. 8850-v. S. No. C-4449.)

On or about August 1, 1924, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 bags of horse and mule feed, remaining in the original unbroken packages at Bloomington, Ind., alleging that the article had been shipped by the Black & White Milling Co., East St. Louis, Ill., June 14, 1924, and transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Black and White Horse and Mule Feed Protein, 9%, Fat 2%, Fiber 13.5%, Ingredients Shelled Corn, Cracked Whole Oats Rolled, Molasses, Alfalfa Meal and $\frac{1}{2}$ of 1% Salt Black & White Milling Co., East St. Louis, Ill."

Adulteration of the article was alleged in the libel for the reason that a product deficient in protein and containing an oat by-product, probably oat-meal mill by-product, and excessive crude fiber had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labeling of the article was false and misleading and deceived and misled the purchaser, in that it was deficient in protein and contained an oat by-product and excessive crude fiber.

On December 3, 1924, the Black & White Milling Co., East St. Louis, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13195. Adulteration and misbranding of canned tomatoes. U. S. v. 268 Cases and 332 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19402. I. S. Nos. 22230-v, 22231-v. S. No. E-5058.)

On December 22, 1924, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 cases of tomatoes, at Augusta, Me., alleging that the article had been shipped by W. E. Robinson & Co., Laurel, Del., on or about October 6, 1924, and transported from the State of Delaware into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Maryllia Brand Tomatoes."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Tomatoes" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On March 10, 1925, the Davis Canning Co., Laurel, Del., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Water 50% Tomatoes 50% * * * These tomatoes were canned with an additional equal amount of water. Packed by Davis Canning Co. Laurel, Del. Canned Tomatoes should be packed in their own juice without added water."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13196. Misbranding of butter. U. S. v. 12 Cartons of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19839. I. S. No. 17409-v. S. No. E-5159.)

On February 16, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cartons, each containing 50 pounds, of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by H. Christians, from Chicago, Ill., February 10, 1925, and transported from the State of Illinois into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons labeled in part: "One Pound Net Weight" and consisted of quarter-pound prints enclosed in parchment wrappers labeled in part: "4 Oz. Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statements on the carton and wrapper, respectively, "One Pound Net Weight" and "4 Oz. Net Weight" were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 13, 1925, the H. C. Christians Co., Johnson Creek, Wis., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until properly labeled to show the true contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13197. Adulteration of canned string beans. U. S. v. 1,199 Cases of String Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19200. I. S. No. 18762-v. S. No. C-4536.)

On or about December 1, 1924, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,199 cases of string beans, at Fayetteville, Ark., alleging that the article had been shipped by the Rosen-Reichardt Brokerage Co., St. Louis, Mo., November 4, 1924, and transported from the State of Missouri into the State of Arkansas, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On January 30, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13198. Adulteration of shell eggs. U. S. v. Ben Glickman, Herman Glickman, and Sam Gross (Viroqua Hide & Fur Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 18314. I. S. No. 4245-v.)

On October 14, 1924, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ben Glickman, Herman Glickman, and Sam Gross, copartners, trading as Viroqua Hide & Fur Co., Viroqua, Wis., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 16, 1923, from the State of Wisconsin into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 720 eggs from the consignment showed that 97, or 13.4 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance.

On November 10, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13199. Misbranding of mixed feed. U. S. v. 100 Sacks of Mill Run Wheat Mixed Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 744-C. I. S. No. 22016-v. S. No. C-4502.)

On September 22, 1924, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of mill run wheat mixed feed, remaining in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped by the McDaniel Milling Co., from Carthage, Mo., on or about August 22, 1924, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that it contained no mark, brand, or label showing the net weight of the product.

On October 2, 1924, the McDaniel Milling Co., Carthage, Mo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show the true contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13200. Adulteration and misbranding of assorted preserves. U. S. v. 40 Cases and 75 Cases of Preserves. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19186. I. S. Nos. 10392-v, 23053-v, 23062-v. S. No. C-4533.)

On November 20, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 cases, each containing 2 dozen 14½-ounce jars, and 75 cases, each containing 1 dozen 44-ounce jars, of assorted preserves, remaining in the original unbroken packages at Arkansas City, Kans., alleging that the article had been shipped by the Goodwin Preserving Co., from Louisville, Ky., on or about July 14, 1924, and transported from the State of Kentucky into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "O B Brand Damson" (or "Raspberry" or "Strawberry" or "Blackberry" or "Peach" or "Cherry") "Preserves, With Apple Pectin * * * Goodwin Preserving Co. Incorporated Louisville, Ky. U. S. A.," the words "With Apple Pectin" being in relatively small type.

Adulteration of the article was alleged in the libel for the reason that an acidified compound strawberry (damson, raspberry, blackberry, cherry, or peach), as the case might be, and pectin preserve had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements in the labels "Strawberry," "Damson," "Raspberry," "Blackberry," "Cherry," or "Peach," as the case might be, "Preserves" were false and misleading and deceived and misled the purchaser and the said statements were not corrected by the inconspicuous statement "Apple Pectin." Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, for the further reason that it contained added tartaric acid, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 9, 1925, the Goodwin Preserving Co., Louisville, Ky., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 13151 TO 13200

	N. J. No.
Beans, canned:	
Rosen-Reichardt Brokerage Co.	13197
Blackberry preserves. <i>See</i> Preserves.	
Butter:	
Christians, H.	13196
Christians, H. C., Co.	13181
Clarks Grove Cooperative Creamery	13162
Corbett Ice Cream Co.	13151
Dodge County Creamery	13183
Farmers Cooperative Creamery Assoc.	13164
Farmers Cooperative Creamery Co.	13167
Herman-Casselton Creamery Co.	13175
Minnesota Cooperative Creameries Assn.	13187
Prescott Creamery	13152
Swift & Co.	13159
Thorpe Dairy Co.	13182
Twin City Creamery Co.	13169
Union Creamery Co.	13163
Catsup. <i>See</i> Tomato catsup.	
Cherry preserves. <i>See</i> Preserves.	
Chocolate concentrate:	
Jack Beverages	13178
Clams. <i>See</i> Shellfish.	
Cottonseed meal. <i>See</i> Feed.	
Crab meat:	
White & Nelson	13180
Eggs:	
Viroqua Hide & Fur Co.	13198
Extract, vanilla:	
Stone-Ordean-Wells Co.	13158
Feed, cottonseed meal:	
Buckeye Cotton Oil Co.	13174
Purcell Cotton Oil Co.	13161
meat scrap:	
American Agricultural Chemical Co.	13166
mixed:	
Black & White Milling Co.	13194
McDaniel Milling Co.	13199
Western Feed Manufacturers	13184
oats:	
Anderson, Embry E.	13154
Cook, L. P.	13155
Hamner, George J., Grain Co.	13157
Wade, John & Sons	13156
peanut meal:	
Suffolk Oil Mill.	13179
sweet:	
Alco Feed Mills.	13176
tankage:	
United Bi-Products Co.	13185

	N. J. No.
Fish, salmon:	
Kelley-Clarke Co.	13186
North Pacific Trading & Packing Co.	13173
sardines:	
Johnson Bay Canning Co.	13160
Seacoast Canning Co.	13168
Herbs:	
Sayman, T. M., Products Co.	13191
Hog remedy:	
National Livestock Remedy Co.	13172
Meat scrap. <i>See</i> Feed.	
Mustard:	
Federal Food Products Co.	13193
Federal Mustard Mills.	13193
McLeod, Von Lengerke & Co.	13193
National hog remedy:	
National Livestock Remedy Co.	13172
Oats. <i>See</i> Feed.	
Peach preserves. <i>See</i> Preserves.	
Peanut meal. <i>See</i> Feed.	
Preserves, blackberry:	
Goodwin Preserving Co.	13200
cherry:	
Goodwin Preserving Co.	13200
peach:	
Goodwin Preserving Co.	13200
raspberry:	
Goodwin Preserving Co.	13200
strawberry:	
Goodwin Preserving Co.	13200
Raspberry preserves. <i>See</i> Preserves.	
Salmon. <i>See</i> Fish.	
Sardines. <i>See</i> Fish.	
Sayman's wonder herbs:	
Sayman, T. M., Products Co.	13191
Shellfish, clams:	
Doxsee, J. H., & Sons	13190
Strawberry preserves. <i>See</i> Preserves.	
Tankage. <i>See</i> Feed.	
Tomato catsup:	
Page, T., Canning Co.	13192
paste:	
Hershel California Fruit Products Co.	13153
Morici, A., & Co.	13153
sauce:	
Greco Canning Co.	13170
Hershel California Fruit Products Co.	13177
Tomatoes, canned:	
Davis Canning Co.	13189
McGrath, H. J., Co.	13171, 13188
Robinson, W. E., & Co.	13165, 13189, 13195
Vanilla extract. <i>See</i> Extract.	

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13201-13250

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 4, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13201. Adulteration and misbranding of jelly. U. S. v. 20 Pails of Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18685. I. S. No. 16792-v. S. No. E-4839.)

On May 14, 1924, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 pails of jelly, at Laconia, N. H., alleging that the article had been shipped by the Natural Products Co., Boston, Mass., on or about March 24, 1924, and transported from the State of Massachusetts into the State of New Hampshire, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Pail) "Natural Bakers Jelly Pie Filling Artificially Colored Contains 1/10 of 1% Benzoate Of Soda Made From Pectin Extract, Corn Syrup And Phosphoric Acid Natural Products Co., Boston, Mass."

Adulteration of the article was alleged in the libel for the reason that a substance, a glucose pectin jelly containing added phosphoric acid, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements in the labeling "Natural Bakers Jelly Pie Filling, Natural Products Co. Jelly" were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of or offered for sale under the distinctive name of another article.

On January 2, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13202. Adulteration of canned blueberries. U. S. v. 18 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18529. I. S. No. 15419-v. S. No. E-4793.)

On April 2, 1924, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 cases of blueberries, at Nashua, N. H., consigned from Cherryfield, Me., alleging that the article had been shipped by A. L. Stewart & Son, on or about August 30, 1923, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Stewart's Brand Blueberries * * * Packed by A. L. Stewart & Sons, Cherryfield, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 2, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13203. Adulteration of canned blueberries. U. S. v. 8 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18528. I. S. No. 15418-v. S. No. E-4792.)

On April 2, 1924, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of blueberries, at Manchester, N. H., alleging that the article had been shipped by A. & R. Loggie Co., from Columbia Falls, Me., on or about September 15, 1923, and transported from the State of Maine into the State of New Hampshire, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Blueberries * * * Packed At Columbia Falls By A. & R. Loggie Co. Limited Of Loggieville, N. B. Canada."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 2, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13204. Adulteration and misbranding of chloroform. U. S. v. 16 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16657. S. No. E-4078.)

On or about July 28, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 tins of chloroform, remaining in the original unbroken packages at Daytona, Fla., alleging that the article had been transported in interstate commerce from the State of New York into the State of Florida, on or about March 15, 1922, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopœia and National Formulary, official at the time of investigation.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the name of another article.

On December 12, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13205. Misbranding and alleged adulteration of vinegar. U. S. v. 18 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15413. I. S. No. 324-t. S. No. C-3256.)

On October 6, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 barrels of vinegar, at Sterling, Ill., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., September 22, 1921, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar. Made From Selected Apples Reduced to 4 Per Centum Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for apple cider vinegar made from selected apples, which the said article purported to be.

Misbranding was alleged for the reason that the barrels containing the article bore the statement, to wit, "Apple Cider Vinegar made from Selected Apples," which was false and misleading and deceived and misled the purchaser, in that the said article did not contain apple cider vinegar but contained a substance made from evaporated or dried apple products. Misbranding was alleged for the further reason that the statement "Apple Cider Vinegar Made From Selected Apples" was false and misleading and deceived and misled the purchaser, in that the product contained barium. Misbranding was alleged for the further reason that the article was an imitation of and was sold under the distinctive name of another article.

On January 19, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13206. Adulteration of butter. U. S. v. 16 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 19893. I. S. Nos. 21116-v, 21120-v. S. No. W-1677.)

On or about February 21, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cubes of butter, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Ravalli Creamery Co., from Hamilton, Mont., on or about February 9, 1925, and transported from the State of Montana into the State of Oregon, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed with and substituted wholly or in part for normal butter of good commercial quality, and for the further reason that a valuable constituent of the article, namely, milk fat, had been in part abstracted.

On March 4, 1925, the Estes-Dixon Co., Portland, Oreg., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until it had been reworked to conform to the United States standard for butter.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13207. Adulteration and misbranding of canned corn. U. S. v. 474 Cases, et al., of Canned Corn. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19539 to 19543, incl. I. S. No. 22686-v. S. No. C-5003.)

On January 28, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,313 cases of canned corn, at New Orleans, La., alleging that the article had been shipped by Wm. Numsen & Sons, from New York, N. Y., on or about December 2, 1924, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Derby Brand Sugar Corn * * * Distributed by Wm Numsen & Sons. Incorporated Main Office Baltimore, Md. U. S. A."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Sugar Corn," appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 17 and March 12, 1925, respectively, Wm. Numsen & Sons, Inc., Baltimore, Md., having appeared as claimant for the property and having confessed the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to

the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,815, in conformity with section 10 of the act, conditioned in part that it be relabeled or reconditioned to meet the requirements of the law, and not be sold or disposed of without having been inspected by a representative of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13208. Adulteration and misbranding of tankage. U. S. v. 70 Bags of Tankage. Default decree entered, ordering product destroyed. (F. & D. No. 17648. I. S. No. 9183-v. S. No. C-4065.)

On July 13, 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 70 bags of tankage, at Leipsic, Ohio, consigned February 7, 1923, alleging that the article had been shipped by the Western By-Products Co., from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bag) "Master Brand Meat Meal Digester Tankage 100 Lbs. * * * Guaranteed Analysis Protein 60.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Protein 60.00%" was false and misleading and deceived and misled the purchaser.

On March 13, 1925, no claimant having appeared for the property, a decree of the court was entered, ordering that the product be destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13209. Adulteration and alleged misbranding of evaporated apples. U. S. v. 3,198 Cases of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19894. I. S. Nos. 24023-v, 24024-v. S. No. C-4679.)

On March 12, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3,198 cases of evaporated apples, at Chicago, Ill., alleging that the article had been shipped by the Hartmann Dried Fruit Co., from Rochester, N. Y., December 30, 1924, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a substance containing an excessive amount of water or moisture. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, evaporated apples.

On March 30, 1925, the Hartmann Dried Fruit Co., Inc., Rochester, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned by drying under the supervision of this department, so as to contain not more than 24 per cent of moisture.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13210. Misbranding of cottonseed meal. U. S. v. Consolidated Cottonseed Operating Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19260. I. S. No. 9192-v.)

On January 5, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Consolidated Cottonseed Operating Co., a corporation, trading at Dallas, Tex.,

alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 3, 1923, from the State of Texas into the State of Ohio, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Lbs. Net * * * Cotton Seed Meal."

Thirty sacks weighed by an inspector of the Bureau of Chemistry of this department averaged 96.5 pounds net weight.

Misbranding of the article was alleged in the information for the reason that the statement, to wit "100 Lbs. Net," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that each of the sacks contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds of the article, whereas each of said sacks did not contain 100 pounds net of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 14, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13211. Adulteration and alleged misbranding of butter. U. S. v. 17 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19828. I. S. No. 20485-v. S. No. W-1636.)

On February 5, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by Snyder Dairy Products [Snider Dairy & Produce Co.], Medford, Oreg., alleging that the article had been shipped from Medford, Oreg., February 1, 1925, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed with and substituted wholly or in part for butter, and for the further reason that a valuable constituent, namely, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the label bore no statement of the quantity of the contents.

On March 17, 1925, the Wiley Bennett Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13212. Adulteration and misbranding of imitation lemon flavor. U. S. v. 3 Cases of Imitation Lemon Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18716. I. S. No. 20095-v. S. No. W-1510.)

On or about June 16, 1924, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases of imitation lemon flavor, at Wallace, Idaho, alleging that the article had been shipped by the Gray Mfg. Co., Spokane, Wash., on or about September 29, 1923, and transported from the State of Washington into the State of Idaho, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pint Special Imitation Flavor Of Lemon * * * For Flavoring Ice Cream, Jellies, Pastry, Custards, Etc. Put Up By Gray Manufacturing Co. Manufacturers And Importers Spokane Wash."

Adulteration of the article was alleged in the libel for the reason that a worthless article possessing a negligible flavoring value had been substituted

wholly or in part for imitation lemon flavoring, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Special Imitation Flavor Of Lemon For Flavoring Ice Cream, Jellies, Pastry, Custards, Etc.," appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On February 25, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13213. Misbranding of potatoes. U. S. v. 260 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19069. I. S. No. 13768-v. S. No. E-4992.)

On October 17, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a district court, a libel praying the seizure and condemnation of 260 sacks of potatoes, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being sold and offered for sale by N. J. Ward & Co., in the District of Columbia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Michigan Potato Growers Exchange Net Weight When Packed 150 Lbs. U. S. Grade No. 1."

Misbranding of the article was alleged in the libel for the reason that the statement "U. S. Grade No. 1" was false and misleading and deceived and misled the purchaser.

On October 20, 1924, N. J. Ward, Washington, D. C., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13214. Adulteration of chestnuts. U. S. v. 5 Barrels and 5 Barrels of Chestnuts. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19148, 19187. I. S. Nos. 19705-v, 22110-v. S. Nos. C-4530, C-4537.)

On or about November 12 and 21, 1924, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 10 barrels of chestnuts, at Cleveland, Ohio, alleging that the article had been shipped by the Feller, Kronman Co., New York, N. Y., on or about October 17, 1924, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 30, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13215. Adulteration of tomato paste. U. S. v. 351 Cases of Tomato Paste and 2 Boxes of Labels for Same. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19407. I. S. No. 22683-v. S. No. C-4585.)

On December 20, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 351 cases of tomato paste and 2 boxes of labels for the same, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the New Central Canning Co., Inc., from Los Angeles, Calif., on or about November 12, 1924, and transported from the State of California into the State of Louisiana, and charging adulteration in violation of the food and drugs act. A portion of the cases were

labeled: "Kitty Brand No." The 2 boxes contained labels bearing the statements "Kitty Brand Tomato Paste Net Contents 6 Oz. Salsa Di Pomodoro Packed By New Central Canning Co. Inc. Buena Park, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially-colored tomato paste, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On December 24, 1924, the New Central Canning Co., Inc., Buena Park, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that the statement "Artificially Colored" appear conspicuously on the labels, and that it be inspected by a representative of this department before final disposition or sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13216. Adulteration and misbranding of tomato paste. U. S. v. 400 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19191. I. S. No. 22638-v. S. No. C-4540.)

On November 22, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Morici & Co., from San Francisco, Calif., on or about October 25, 1924, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce Net Weight 6 Oz. Packed By Hershel Cal. Fruit Prod. Co Packers Of Contadina Brand San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially-colored tomato paste, or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," appearing on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared on the label.

On January 3, 1925, J. Cusimano, New Orleans, La., having appeared as claimant for the property and having confessed the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled so that the statement "Artificially Colored" appear conspicuously on the labels, and that it not be sold or disposed of without inspection by a representative of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13217. Misbranding and alleged adulteration of vinegar. U. S. v. 70 Barrels, et al., of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12130, 15518, 15605, 15624, 15625, 15635, 15636, 15707, 17121. I. S. Nos. 12412-r, 518-t, 535-t, 22555-t, 22557-t, 22559-t, 22560-t, 9211-v. S. Nos. C-1701, C-2948, C-3293, C-3297, C-3320, C-3328, C-3331, C-3354.)

On or about the respective dates of February 3, 1920, November 1, 10, 18, 22, and 26, and December 6, 1921, and January 11, 1923, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 470 barrels of vinegar, in various lots, at Cleveland, Massillon, and Uhrichsville, Ohio, respectively, alleging that the article had been shipped by the Douglas Packing Co., in part from Canastota, N. Y., and in part from Fairport, N. Y., in various consignments, namely, on or about September 19, 1919, and August 1, September 19, 21, and 30, October 10, and November 2, 1921, and September 26, 1922, respectively, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding with respect to a portion of the

product and misbranding with respect to the remainder thereof, in violation of the food and drugs act. A portion of the article was labeled in part: (Barrel) "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples Reduced To 4 Per Centum Rochester, N. Y." and "Guaranteed To Comply With All Pure Food Laws Douglas Packing Co. Rochester, N. Y." The remainder of the said article was labeled in part: (Barrel) "Pure Apple Cider Vinegar" or "Apple Cider Vinegar."

Adulteration was alleged in substance in the libels with respect to all the product, with the exception of the consignment of September 26, 1922, for the reason that vinegar made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged with respect to the product consigned September 19, 1919, November 2, 1921, and September 26, 1922, respectively, for the reason that the statements, "Apple Cider Vinegar made from Selected Apples," "Guaranteed To Comply With All Pure Food Laws," "Pure Apple Cider Vinegar," or "Apple Cider Vinegar," as the case might be, appearing in the labeling, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the product involved in the remaining consignments for the reason that it was labeled "Pure Apple Cider Vinegar" or "Apple Cider Vinegar Made From Selected Apples," as the case might be, so as to deceive and mislead the purchaser, and for the further reason that the said statements were false and misleading and deceived and misled the purchaser, in that the said portion of the product contained barium. Misbranding was alleged with respect to the product involved in all the said consignments, with the exception of that of September 26, 1922, for the reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On January 15, 1925, the cases having been consolidated into one cause of action and the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product might be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13218. Adulteration and misbranding of canned tomatoes. U. S. v. 270 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19422. I. S. No. 19935-v. S. No. C-4048.)

On December 26, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 270 cases of tomatoes, remaining in the original unbroken packages at Lufkin, Tex., alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., October 13, 1924, and transported from the State of Delaware into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dee Bee Brand Tomatoes * * * Packed By Davis Canning Co. Laurel, Del. U. S. A."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Tomatoes" was false and misleading and deceived and misled the purchaser, and for the further reason that it was sold under the distinctive name of another article.

On February 19, 1925, the Davis Canning Co., Laurel, Del., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled in accordance with law upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13219. Adulteration and misbranding of bleached grain. U. S. v. 270 Sacks of Bleached Grain. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18690. I. S. No. 18304-v. S. No. E-3927.)

On May 21, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 270 sacks of bleached grain, remaining in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped by S. Zorn & Co., from Louisville, Ky., on or about May 7, 1924, and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Crescent Mixed Oats Other Grains Zorn Bleached Grain," (tag) "150 Lbs. Bleached Crescent Grain Made By S. Zorn & Co. Louisville, Ky. * * * Ingredients: Oats, Barley And Other Grains."

Adulteration of the article was alleged in the libel for the reason that a substance, screenings, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Mixed Oats" was false and misleading and deceived and misled the purchaser, in that it represented that the article was mixed oats, whereas it was not mixed oats but was screenings, and the words "Other Grains" did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the designation "Oats," borne on the tag attached to the sack, was false and misleading and deceived and misled the purchaser, in that it represented that the article was oats, barley, and other grains, whereas it was not oats, barley, and other grains but was screenings.

On June 17, 1924, S. Zorn & Co., Louisville, Ky., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled "Bleached Crescent Grain Screenings."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13220. Adulteration of tomato catsup. U. S. v. 640 Cases of Tomato Catsup. Defiant decree of condemnation, forfeiture, and destruction. (F. & D. No. 16758. I. S. No. 3008-v. S. No. E-4132.)

On September 1, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 640 cases, containing 8-ounce bottles, of tomato catsup, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by H. N. Weller & Co., from Richmond, Mich., on or about October 22, 1920, and transported from the State of Michigan into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Line Brand Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance, an analysis of the said product showing the presence of excessive mold.

On February 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13221. Adulteration of canned sardines. U. S. v. 39 Cases and 36 Cases of Sardines. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 19170. I. S. Nos. 13199-v, 13200-v. S. No. E-5013.)

On or about November 15, 1924, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 cases of sardines, at Binghamton, N. Y., alleging that the article had been shipped by the Seacoast Canning Co., Eastport, Me., on or about July 8, 1924, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The consignment consisted of two brands labeled in part, respectively: "Sea Lion Brand Maine Sardines Packed By Seacoast Canning Co.,

Eastport, Me.," and "Continental Maine Sardines Packed By Seacoast Canning Co., Eastport, Me."

It was alleged in substance in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 18, 1925, a decree of the court was entered, condemning and forfeiting the product and ordering that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13222. Adulteration and misbranding of vinegar. U. S. v. 50 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16986. I. S. No. 4046-v. S. No. C-2938.)

On November 21, 1922, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 barrels of vinegar, at Madison, Wis., alleging that the article had been shipped by the Powell Corp. from Canandaigua, N. Y., September 20, 1922, and transported from the State of New York into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance made from evaporated or dried apple products had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article bore the label, to wit, "Pure Cider Vinegar Made From Apples Reduced To 4% * * * Man'fd. By The Powell Corp. Canandaigua, N. Y.," which said label was false and misleading and deceived and misled the purchaser, in that the article did not contain pure cider vinegar but contained distilled vinegar and a substance made from evaporated or dried apple products. Misbranding was alleged for the further reason that the article was an imitation of and sold under the distinctive name of another food product.

On November 29, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Evaporated Apple Products Vinegar and Distilled Vinegar Reduced to 4% Acidity."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13223. Misbranding of H and H water. U. S. v. 25 Crates Natural H and H Water and 5 Cases Concentrated H and H Water. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 16347. I. S. Nos. 12711-t, 12712-t. S. No. C-3648.)

On May 29, 1922, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 25 crates of natural H and H water and 5 cases of concentrated H and H water, remaining in the original unbroken packages at Nashville, Tenn., alleging that the articles had been shipped by the H & H Water Co., Dawson Springs, Ky., in part February 8 and in part March 11, 1922, and transported from the State of Kentucky into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The natural water was labeled in part: (Bottle) "Indigestion, Stomach, Liver, and Kidney Troubles Malaria, Female Troubles." The concentrated water was labeled in part: (Bottle) "Indigestion, Stomach Liver and Kidney Troubles, Bright's Disease, * * * Jaundice, Malaria."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the natural water contained about 3.7 grams and the concentrated water about 190 grams per liter of dissolved mineral matter, most of which was magnesium sulphate.

Misbranding of the articles was alleged in substance in the libels for the reason that the labels on the containers (bottles) bore the above-quoted statements regarding the curative and therapeutic effects of the said articles, which

were false and fraudulent, in that the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On November 26, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13224. Adulteration and misbranding of codeine sulphate tablets, strychnine sulphate tablets, and morphine sulphate tablets. U. S. v. Latimer H. Studebaker. Plea of guilty. Fine, \$100. (F. & D. No. 19272. I. S. Nos. 897-v, 2071-v, 2164-v, 3349-v, 12453-v, 15824-v.)

On January 16, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Latimer H. Studebaker, Erie, Pa., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about October 26 and December 23, 1923, respectively, from the State of Pennsylvania into the State of New York, of quantities of strychnine sulphate tablets, on or about November 15 and December 15, 1923, respectively, from the State of Pennsylvania into the State of Georgia, of quantities of codeine sulphate tablets and strychnine sulphate tablets, on or about January 4, 1924, from the State of Pennsylvania into the State of Ohio, of a quantity of morphine sulphate tablets, and on or about February 13, 1924, from the State of Pennsylvania into the State of New Jersey, of a quantity of morphine sulphate tablets, all of which were adulterated and misbranded. The articles were labeled, variously, in part: "Codeine Codeine Sul. $\frac{1}{4}$ Gr. Manufactured By E. P. S. H. L. H. Studebaker Mfg. Pharmacist Erie, Pa."; "Tablets Strychnine Sulphate 1-30 Gr."; "Tablets Strychnine Sulphate 1-60 grain"; "Tablets Morphine Sulphate 1-8 Gr."; "Morphine Sulphate 1-4 Gr."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The codeine sulphate tablets, labeled "1-4 Gr.," averaged not more than 0.198 grain of codeine sulphate each; the morphine sulphate tablets labeled "1-4 Gr." averaged not more than 0.209 grain of morphine sulphate each, and those labeled "1-8 Gr." averaged not more than 0.113 grain of morphine sulphate each; the strychnine sulphate tablets labeled "1-30 Gr." averaged not more than 0.0218 grain of strychnine sulphate each, and the two consignments labeled "1-60 Grain" averaged not more than 0.0140 grain and 0.0134 grain, respectively, of strychnine sulphate to each tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements, to wit, "Codeine Sul. $\frac{1}{4}$ Gr.," "Tablets Strychnine Sulphate 1-30 Gr.," "Tablets Strychnine Sulphate 1-60 grain," "Tablets Morphine Sulphate 1-8 Gr.," and "Morphine Sulphate 1-4 Gr.," borne on the labels attached to the bottles or packages containing the respective articles, were false and misleading, in that the said statements represented that the tablets each contained the amounts of the respective articles declared on the said labels, whereas the said tablets each contained less than so declared.

On March 19, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13225. Misbranding of oil. U. S. v. 89 Cans of Cottonseed Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18805. I. S. No. 17754-v. S. No. C-4423.)

On July 1, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 89 cans of cottonseed oil, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by A. Morichi [Morici] Co., from Chicago, Ill., June 11, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Ten One Gallon Tins A. M. Co. Chicago Termini Imerese Italy Olio Di Oliva," (can) "Olio Finissimo Cottonseed Oil, Flavored With Olive Oil Rose Ditalia Brand, A Morici & Co Chicago, Ill. * * * Contains [Contents] One Gallon."

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements were false, in that the said cases did not contain imported olive oil as indicated by the label on the cases but did contain cans of cottonseed oil slightly flavored with olive oil, and the said cans contained less than 1 gallon of the said article.

On March 11, 1925, the Busalacchi Bros. Macaroni Co., Milwaukee, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13226. Adulteration and misbranding of cottonseed meal. U. S. v. the Buckeye Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 18748. I. S. Nos. 9001-v, 9002-v.)

On September 23, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, trading at Memphis, Tenn., alleging that on or about March 14, 1923, the said company shipped in interstate commerce from the State of Tennessee into the State of Massachusetts, a quantity of cottonseed meal which was adulterated and misbranded in violation of the food and drugs act, and that on or about March 24, 1923, a quantity of cottonseed meal was shipped in interstate commerce from the State of Tennessee into the State of Massachusetts, which had been theretofore guaranteed by the said defendant company to the shipper thereof as not being adulterated or misbranded in violation of the food and drugs act, and which was in fact adulterated and misbranded in violation of said act. One shipment of the article was labeled in part: "Good Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00%." The other shipment of the said article was labeled in part: "Cotton Seed Meal Guaranteed Analysis Protein 36.00% Equivalent Nitrogen 5.75% * * * Crude Fibre (Max.) 15.00%."

Analyses by the Bureau of Chemistry of this department of samples from the first consignment showed that the said samples contained 34.19 per cent of protein. Analyses by said bureau of samples from the second consignment showed that the said samples contained 30.56 per cent of protein and 16.35 per cent of crude fiber.

Adulteration of the article was alleged in substance in the information for the reason that a substance deficient in protein, and in the case of the consignment of March 24, 1923, containing excessive crude fiber, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly for the said article.

Misbranding was alleged in substance for the reason that the statements, to wit, "Good Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00%," borne on the tags attached to the sacks containing the product consigned March 14, 1923, and the statements, to wit, "Cotton Seed Meal Guaranteed Analysis Protein 36.00% Equivalent Nitrogen 5.75% * * * Crude Fibre (Max.) 15.00%," borne on the tags attached to the bags containing the product consigned March 24, 1923, were false and misleading, in that the said statements represented that the former contained not less than 36 per cent of protein and not less than 7 per cent of ammonia and that the latter contained not less than 36 per cent of protein, equivalent to 5.75 per cent of nitrogen, and not more than 15 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the former contained not less than 36 per cent of protein and not less than 7 per cent of ammonia and that the latter contained not less than 36 per cent of protein, equivalent to 5.75 per cent of nitrogen, and not more than 15 per cent of crude fiber, whereas the former consignment contained less than 36 per cent of protein and less than 7 per cent of ammonia, and the latter contained less than 36 per cent of protein, less than the equivalent of 5.75 per cent of nitrogen, and contained more than 15 per cent of crude fiber.

On March 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13227. Adulteration and misbranding of olive oil. U. S. v. 7 Packages of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15124. I. S. No. 13751-t. S. No. C-3110.)

On July 6, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 packages of olive oil, remaining unsold in the original packages at Jackson, Mich., consigned by the Italy Commercial Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., May 14, 1921, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Lucca Brand Lucca Olio Sopraffino D'oliva 1 Gallon Net."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label "Lucca Brand Lucca Olio Sopraffino D'oliva 1 Gallon Net" was false and misleading and deceived and misled the purchaser, for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13228. Adulteration of canned salmon. U. S. v. 200 Cases of Canned Salmon. Decree entered, providing for release of product under bond or for its condemnation and destruction. (F. & D. No. 16080. I. S. No. 931-t. S. No. C-3499.)

On or about November 22, 1921, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of canned salmon, remaining in the original unbroken packages at Athens, Ala., alleging that the article had been shipped by W. R. Beatty Co., from Vancouver, B. C., Canada, on or about October 1, 1921, into the State of Tennessee, and that it had been reshipped by S. H. Sawrie & Son, from Nashville, Tenn., on or about October 22, 1921, into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Kay Square Brand Select Pink Salmon Inspected Kenai Packing Co., Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 2, 1925, the W. R. Beatty Co., Vancouver, B. C., Canada, and S. H. Sawrie & Son, Nashville, Tenn., having appeared as claimants for the property and it having appeared to the court that the product was adulterated but that the claimants might desire to take it down under bond to be recanned and repacked, a judgment of the court was entered, providing that the said product might be released to the claimants upon the execution of a bond in the sum of \$2,000, or upon failure by the said claimants to appear and execute such bond within 30 days from the entry of the decree that it be condemned and destroyed by the United States marshal and that the claimants pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13229. Adulteration and misbranding of tomato sauce. U. S. v. 200 Cases and 400 Cases of Tomato Sauce. Consent decrees of condemnation and forfeiture. Product released to claimant. (F. & D. No. 19434. I. S. Nos. 17105-v, 17106-v. S. No. E-5062.)

On December 24, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 600 cases of tomato sauce, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hershel California Fruit Products Co., of San Jose and San Francisco, Calif., alleging that the article had been shipped from San Jose, Calif., on or about September 30,

1924, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Tomato Sauce Salsa Di Pomodoro Vittorio Emmanuele Brand" (cut of tomatoes). The remainder of the said article was labeled in part: (Can) "Naples Style Tomato Sauce Salsa Di Pomodoro Contadina Brand With Basil * * * Tomato Sauce * * * Packed By Hershel Cal. Fruit Prod. Co. San Jose, Cal." (cut of ripe red tomatoes and field of tomatoes).

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, artificially-colored tomato paste, or sauce, had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the packages enclosing the article contained labels bearing certain statements, designs, and devices regarding the article and the ingredients and substances contained therein which were false and misleading, in that they represented that the article was tomato sauce, whereas it was composed of tomato sauce and artificially-colored tomato paste, or sauce.

On April 2, 1925, Giacomo Foti, Philadelphia, Pa., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13230. Adulteration and misbranding of rice. U. S. v. 543 Bags of Rice. Tried to the court and a jury. Verdict for the Government. Product released under bond. (F. & D. No. 19045. I. S. No. 3553-v. S. No. E-4972.)

On October 4, 1924, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 543 bags of rice, at San Juan, P. R., alleging that the article had been shipped by J. W. Berengher, New Orleans, La., on or about November 19, 1923, and transported from the State of Louisiana into the Territory of Porto Rico, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Rice 100 Lbs. Net When Packed."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

Misbranding was alleged for the reason that the label bore the statement "100 Lbs. Net When Packed," which was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On November 26, 1924, J. W. Berengher, New Orleans, La., having appeared as claimant for the property, the case came on for trial before the court and a jury, and a verdict for the Government was returned. On January 5, 1925, the claimant having failed to take the product down under bond as provided in the court order dated December 10, 1924, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold. On January 31, 1925, the proceedings for the said sale having been stayed by agreement, and the claimant having tendered a bond in the sum of \$3,000, it was ordered by the court that the said product be released to the claimant upon payment of costs, conditioned that the product not be used for human consumption.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13231. Adulteration and misbranding of nitroglycerin tablets and codeine sulphate tablets. U. S. v. Burrough Bros. Mfg. Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19312. I. S. Nos. 5257-v, 17835-v, 17826-v, 17840-v, 18661-v, 19439-v.)

On March 14, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Burrough Bros. Mfg. Co., a corporation, trading at Baltimore, Md., alleging shipment by said company, in various consignments, namely, on or about November 7, 1923, and May 14, 1924, respectively, from the State of Maryland into the State of Mis-

souri, of quantities of nitroglycerin tablets, and on or about September 25, 1923, and February 19, 1924, respectively, from the State of Maryland into the State of Illinois, of quantities of nitroglycerin tablets and codeine sulphate tablets, all of which were adulterated and misbranded. The articles were labeled in part, variously: "Tablet Triturates Nitroglycerin 1-100 Grain Burrough Bros. Mfg. Co. * * * Baltimore, Md."; "Soluble Hypodermic Tablets Codeine Sulphate 1-4 Grain Burrough Bros. Mfg. Co."; and "Tablet Triturates Codeine Sulphate 1-4 Grain Burrough Bros. Mfg. Co."

Analyses by the Bureau of Chemistry of this department of a sample from each of the four consignments of nitroglycerin tablets showed that the said tablets averaged not more than 0.0044 grain, 0.006 grain, 0.0057 grain, and 0.0063 grain, respectively, of nitroglycerin each. Analyses by said bureau of a sample from each of the two consignments of codeine sulphate tablets showed that the said tablets averaged approximately 0.22 grain and 0.223 grain, respectively, of codeine sulphate each.

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the said nitroglycerin tablets were represented to contain 1/100 of a grain of nitroglycerin each, and the said codeine sulphate tablets were represented to contain 1/4 grain of codeine sulphate each, whereas the said articles contained less amounts than so represented.

Misbranding was alleged for the reason that the statements, to wit, "Tablet Triturates Nitroglycerin 1-100 grain," "Soluble Hypodermic Tablets Codeine Sulphate 1-4 Grain," and "Tablet Triturates Codeine Sulphate 1-4 Grain," borne on the labels attached to the bottles containing the respective products, were false and misleading, in that they represented that the said tablets each contained 1/100 grain of nitroglycerin or 1/4 grain of codeine sulphate, as the case might be, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the tablets each contained 1/100 grain of nitroglycerin or 1/4 grain of codeine sulphate, as the case might be, whereas the said tablets did not each contain the said amounts but did contain less amounts.

On March 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13232. Misbranding of candied dates. U. S. v. 30 Boxes of Candied Dates. Decree entered, finding product misbranded and ordering it released under bond. (F. & D. No. 19478. I. S. No. 22119-v. S. No. C-4606.)

On January 10, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 boxes, each containing 5 10-pound packages, of candied dates, at Cleveland, Ohio, consigned about December 6, 1924, alleging that the article had been shipped by John R. Fiorita Co., from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Package) "For Eta (Trade Mark) 10 Lbs. Net Weight When Packed * * * Packed By John R. Fiorita Co. St. Louis, Mo."

Misbranding of the article was alleged in the libel for the reason that the statement "10 Lbs. Net Weight When Packed" was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 21, 1925, John R. Fiorita Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the labeling be corrected and the quantity of the contents be plainly and conspicuously marked on the outside of the said boxes.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13233. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$330. (F. & D. No. 18740. I. S. Nos. 8416-v, 8417-v, 8418-v, 8419-v, 8422-v, 8423-v, 8425-v, 12076-v, 12077-v, 12078-v, 12080-v.)

On October 3, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Creamery Co., a corporation, trading at Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about the respective dates of January 15, 17, 18, 21, and 22, and February 1, 14, and 19, [1924] from the State of Oregon into the State of Washington, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled, variously: (Package) "Cascade Pasteurized Butter Net Weight One Pound When Packed * * * Guaranteed by Mutual Creamery Company, Manufacturers and Distributors"; "Maid o'Clover Butter * * * One Pound Pasteurized Creamery Butter Mutual Creamery Co."; "Maid o'Clover * * * Four-In-One Butter * * * One Pound Net Pasteurized Creamery Butter Guaranteed by Mutual Creamery Company"; "Rock Creek Quality One Pound Pasteurized Creamery Butter Mutual Creamery Company"; "Maid o'Clover * * * Butter * * * One Pound Net Pasteurized Creamery Butter Guaranteed by Mutual Creamery Company."

Analyses by the Bureau of Chemistry of this department of samples of the article showed that both the Maid o'Clover butter and the Rock Creek butter contained less than 80 per cent of butterfat and a number of the consignments contained excessive water. Examination of the article by said bureau showed that the product in all the consignments was short weight, the average shortages ranging from 0.45 per cent to 3.56 per cent.

Adulteration was alleged in the information with respect to the above six lots of Maid o'Clover butter and the two lots of Rock Creek butter for the reason that a product deficient in milk fat and in certain instances containing an excessive amount of moisture had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged with respect to the above six lots of Maid o'Clover butter and the two lots of Rock Creek butter for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that it represented that the said article consisted wholly of butter, for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, and for the further reason that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas the said article did not consist wholly of butter but did consist of a product deficient in milk fat and containing in certain instances excessive moisture, and did not contain 80 per cent by weight of milk fat but did contain a less amount.

Misbranding was alleged with respect to the product involved in all the consignments for the reason that the statements, to wit, "Net Weight One Pound," "One Pound," or "One Pound Net," as the case might be, borne on the said packages, were false and misleading, in that they represented that each of the packages contained 1 pound of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that each of the said packages contained 1 pound of the said article, whereas they did not but did contain a less amount. Misbranding was alleged with respect to the product involved in all the consignments for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 27, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$330.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13234. Misbranding and alleged adulteration of canned peas. U. S. v. 140 Cases of Peas. Product relabeled and released to claimant. (F. & D. No. 17986. I. S. No. 875-v. S. No. E-4569.)

On November 13, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 140 cases, each containing 2 dozen cans, of peas, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the California Packing Corp., from San Francisco, Calif., on or about September 25, 1923, and transported from the State of California into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Jubilee Brand Peas * * * California Packing Corporation, Main Office San Francisco, California, U. S. A.," together with a cut showing peas in pods, pea blossoms, and vines.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, pea berry shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for peas, which the said article purported to be.

Misbranding was alleged for the reason that the statement, design, or device, borne on the cans containing the article, to wit, "Peas" and the design showing peas in pods, pea blossoms and vines were false and misleading and deceived and misled the purchaser, in that they represented that the article was whole peas, whereas it was not whole peas but was an article containing pea berry shells and split and broken peas. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, peas.

On January 14, 1924, E. T. Sheftall & Co., Savannah, Ga., having appeared as claimant for the property praying the opening of the decree of condemnation theretofore entered, judgment of the court was entered, finding the product misbranded and ordering that the said decree of condemnation be vacated and that the product be delivered to the claimant upon its being properly relabeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13235. Adulteration of walnut meats. U. S. v. Sam Holzman and Peter R. Smith. Pleas of guilty. Fines, \$50 and costs. (F. & D. No. 17135. I. S. No. 11248-t.)

On April 3, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sam Holzman and Peter R. Smith, copartners, Los Angeles, Calif., alleging shipment by said defendants, in violation of the food and drugs act, on or about February 2, 1922, from the State of California into the State of Washington, of a quantity of walnut meats which were adulterated. The article was labeled in part: "From S. Holzman L. A. Cal. 50 Lbs. Net Ungrated," and was invoiced as walnut meats.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that approximately 18.6 per cent of the product was inedible, consisting of wormy, moldy, shriveled, and rancid nuts, and nut shells.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 9, 1925, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50, together with the costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13236. Adulteration and misbranding of jellies. U. S. v. 65 Cases of Apple Jelly, et al. Products released under bond to be relabeled. (F. & D. No. 18494. I. S. Nos. 16534-v, 16535-v, 16536-v, 16537-v. S. No. E-4779.)

On March 18, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 cases of apple jelly, 200 cases of apple lemon jelly, 100 cases of apple orange jelly, and 125 cases of grape and apple jelly, remaining in the original unbroken packages at Savannah, Ga., alleging that the

articles had been shipped by the American Preserve Co., from Philadelphia, Pa., on or about November 24, 1923, and transported from the State of Pennsylvania into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Glass) "Schimmel Brand Pure Jelly Apple" (or "Apple-Lemon Slice" or "Apple-Orange Slice" or "Grape And Apple") "With Fruit Pectin 8 Oz. Net The American Preserve Co. Philadelphia, Pa."

Adulteration of the articles was alleged in the libel for the reason that a substance, to wit, pectin, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and in that substances, to wit, pectin jellies, had been substituted wholly and in part for the said articles.

Misbranding was alleged for the reason that the statements "Pure Jelly Apple," "Pure Jelly Apple-Lemon Slice," "Pure Jelly Apple-Orange Slice," and "Pure Jelly Grape And Apple," borne on the labels of the respective products, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 30, 1924, the American Preserve Co., Philadelphia, Pa., claimant, having given bond for the release of the products, and having relabeled the goods in compliance with law, it was ordered by the court that the case be dismissed and that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13237. Misbranding and alleged adulteration of wahoo bark. U. S. v. 2 Bags of Wahoo Bark. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 19194. I. S. No. 19842-v. S. No. C-4542.)

On November 22, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 bags of wahoo bark, at Cincinnati, Ohio, consigned by E. G. and J. F. Creech, from Primrose, Ky., June 14, 1924, alleging that the article had been shipped from Primrose, Ky., and transported from the State of Kentucky into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it was sold as wahoo bark, a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity of the official drug, and for the further reason that its purity fell below the standard or quality under which it was sold.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, namely, wahoo bark.

On February 18, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation, forfeiture, and destruction.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13238. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18214. I. S. No. 15842-v. S. No. E-4669.)

On December 24, 1923, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of cottonseed meal, at Lawn, Pa., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Edenton, N. C., on or about November 7, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured by Eastern Cotton Oil Company Elizabeth City, N. C. Guaranteed Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in the libel for the reason that the statements "Guaranteed Protein not less than 41.00% Equivalent to Ammonia 8.00%" were false and misleading and deceived and misled the purchaser.

On January 15, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgment of condemnation and for-

feiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13239. Misbranding of S-K remedy. U. S. v. 21 Bottles of S-K Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13824. I. S. No. 10332-t. S. No. W-785.)

On October 29, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 bottles of S-K remedy, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped by the S. K. Remedy Co., from Oakland, Oreg., September 22, 1920, and transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed essentially of vegetable drugs including aloe and a small amount of mydriatic alkaloid, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling: (Bottle label) "S-K * * * Remedy For Syphilis And All Blood Disorders," (carton) "S-K * * * Remedy For Syphilis And All Blood Disorders * * * S-K is a most valuable remedy for all blood disorders, especially so in all cases of Primary, Secondary, or Tertiary Syphilis, ulcerous sores and all disorders arising from an impure state of the blood. It helps to remove disease * * * aids digestion, builds up waste tissue, strengthens the whole system, and cleanses the blood from all impurities no matter what the cause may be. * * * This new and wonderful Remedy known as S-K Sifkure is the first and only purely vegetable compound ever produced that has stood the test as a remedy for Syphilis. S-K is not an experiment, it has passed through that stage. Fifteen years of constant use on hundreds and hundreds of cases has as yet to produce a single case of syphilis that failed to yield to the S-K treatment," (circular) "The New Remedy For Syphilis Has been put to the severest tests for the past fifteen years and never failed to produce the desired results * * * S-K Sifkure * * * 'S. K.'—the new syphilitic alternative is not an experiment. It has been used for fifteen years with the greatest success. To date we have not a report of a case in which it has failed to produce immediate and permanent results. * * * We have hundreds of cases proving the validity of our claims. Many were aggravated cases in the last stages of the disease. Many were suffering from a combination of syphilis and Mercurial poisoning, and in every event responded instantly to the 'S-K' treatment with lasting results. All that is required to secure immediate results with 'S. K.' is persistence and a careful following of directions—we absolutely guarantee 'S. K.' to get results no matter how bad your case may be—no matter how old it is, Place your entire faith in S. K. and you will not be disappointed * * * We know of no case returning after this course of treatment, and we are justified from past experiences in making this seemingly extravagant claim. * * * we claim to cure," were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On January 20, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13240. Misbranding and alleged adulteration of wahoo bark. U. S. v. 6 Bags of Wahoo Bark. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19193. I. S. No. 19841-v. S. No. C-4541.)

On November 22, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and

condemnation of 6 bags of wahoo bark, at Cincinnati, Ohio, consigned on July 26, 1924, by L. Garnett, from Uz, Ky., alleging that the article had been shipped from Uz, Ky., in interstate commerce into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of the stem bark of the cucumber tree (*Magnolia tripetala* L.).

Adulteration of the article was alleged in the libel for the reason that it was sold as wahoo bark, a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity of the official drug, and for the further reason that its purity fell below the standard or quality under which it was sold.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, namely, wahoo bark.

On February 18, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation, forfeiture, and destruction.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13241. Misbranding of A. D. S. special kidney and bladder pills. U. S. v. 132 Dozen Packages of A. D. S. Special Kidney and Bladder Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19447. I. S. No. 19094-v. S. No. C-4590.)

On December 29, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 132 dozen packages of A. D. S. special kidney and bladder pills, at Chicago, Ill., alleging that the article had been shipped by the American Druggists Syndicate, from Long Island City, N. Y., November 20, 1924, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted of hexamethylenetetramine and extracts of plant drugs, including small quantities of resins and volatile oils mixed with magnesium carbonate, coated with sugar and calcium carbonate, and colored blue on the surface.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, regarding its curative and therapeutic effects, "Kidney And Bladder Pill. A Treatment Indicated In Simple Inflammatory Conditions Of The Kidneys And Bladder, Bladder Irritation, Non-Retention of Urine, Scanty or Scalding Urine," were false and fraudulent, in that the said statements represented that the article was effective as a remedy for the several diseases, ailments, and afflictions mentioned therein, whereas it contained no ingredients or medicinal agents effective for the purposes claimed.

On April 4, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13242. Adulteration of canned sardines. U. S. v. 44 Dozen Cans of Southern Brand Smoked Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19127. I. S. No. 8765-v. S. No. C-4528.)

On November 5, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 44 dozen cans of smoked sardines, at Memphis, Tenn., alleging that the article had been shipped by the Carter Grocery Co., from Gainesville, Ga., on or about September 24, 1924, and transported from the State of Georgia into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Southern Brand Smoked Sardines Packed By California Smoked Sea Products Co. Los Angeles, Cal. Net Weight 13 Oz."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13243. Adulteration and misbranding of canned tomatoes. U. S. v. 992 Cartons of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19382. I. S. No. 9613-v. S. No. C-4046.)

On December 15, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 992 cartons of canned tomatoes, at Canton, Ohio, alleging that the article had been shipped by the H. J. McGrath Co., Baltimore, Md., on or about October 13, 1924, and transported from the State of Maryland into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "McGrath's Tomatoes Champion Brand Packed by The H. J. McGrath Co. Baltimore, Md. U. S. A. Contents 1 Lb. 3 Oz."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the label bore the statement "Contents 1 Lb. 3 Oz.," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about April 2, 1925, the H. J. McGrath Co., Baltimore, Md., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled in compliance with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13244. Adulteration of canned salmon. U. S. v. 998 Cases of Salmon. Product ordered released under bond to be used as fertilizer. (F. & D. No. 15925. I. S. No. 935-t. S. No. C-3387.)

On November 22, 1921, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 998 cases of salmon, at Athens, Tenn., alleging that the article had been shipped by W. R. Beatty & Co., Vancouver, B. C., Canada, on September 22, 1921, and transported in interstate commerce, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Kay-Square Brand Select Pink Salmon Inspected Kenai Packing Co. Seattle, Wash.," (case) "4 Dozen 1 Pound Talls Pink Salmon, Packed by Kenai Packing Co., Drier Bay, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted in large part, if not wholly, of a filthy, decomposed, and putrid animal substance, unfit for human consumption.

On March 16, 1925, the Jim Anderson Co., Knoxville, Tenn., claimant, having represented to the court that it was impossible to recondition the product to the satisfaction of this department so that it would be fit for consumption as food, judgment of the court was entered, ordering that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, to be sold or disposed of as fertilizer.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13245. Adulteration of walnuts in shell. U. S. v. 64 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19095. I. S. No. 13172-v. S. No. E-4984.)

On October 29, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 64 bags of walnuts in shell, remaining in the

original unbroken packages at New York, N. Y., alleging that the article had been shipped by Jos. Laporte, from Bordeaux, France, arriving on or about November 26, 1923, and that it had been transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13246. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19800. I. S. No. 13836-v. S. No. E-5136.)

On February 10, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Minnesota Coop. Creamery Assoc., Duluth, Minn., on or about January 27, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 23, 1925, the Fosston Cooperative Creamery Assoc., Fosston, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be reworked to contain not less than 80 per cent of butterfat and labeled to show the true quantity of the contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13247. Adulteration of oranges. U. S. v. 125 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19575. I. S. No. 21128-v. S. No. W-1640.)

On February 13, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 125 boxes of oranges, at Tacoma, Wash., alleging that the article had been shipped by the California Fruit Growers' Exchange, from Bryn Mawr, Calif., January 29, 1925, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "216 2-1/2 Inch Washington Navels Redlands Pride Bryn Mawr Fruit Growers Association Redlands, San Bernardino County, California."

Adulteration of the article was alleged in the libel for the reason that a substance, an inedible product, had been substituted wholly or in part for the said article.

On April 4, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13248. Adulteration of confectionery. U. S. v. the Lauer & Suter Co. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 19607. I. S. Nos. 12645-v, 12646-v, 12647-v.)

On March 23, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lauer & Suter Co., a corporation, Baltimore, Md., alleging shipment by said company,

in violation of the food and drugs act, on or about July 17, 1924, from the State of Maryland into the State of Virginia, of quantities of confectionery that was adulterated. The article was labeled variously: "Marshmallow Yellow Bananas Pure Candies The Lauer & Suter Co. Baltimore, Md."; "Marshmallow Perch-120 Pure Candies The Lauer & Suter Co. Baltimore, Md."; and "Lasco Sweets Pure Candies * * * The Lauer & Suter Co. Baltimore, Md."

Analyses by the Bureau of Chemistry of this department of samples from each of the three varieties showed that the said samples contained 0.85 per cent, 0.44 per cent, and 0.6 per cent, respectively, of talc.

Adulteration of the article was alleged in the information for the reason that it contained talc.

On March 31, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$15 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13249. Misbranding of cottonseed meal. U. S. v. 197 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19549. I. S. No. 21293-v. S. No. E-5122.)

On January 30, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 197 sacks of cottonseed meal, remaining in the original unbroken packages at Bel Air, Md., alleging that the article had been shipped by the Buckeye Cotton Oil Co., from Greenwood, Miss., November 11, 1924, and transported from the State of Mississippi into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Buckeye Prime Cottonseed Meal Manufactured By The Buckeye Cotton Oil Co. General Offices, Cincinnati, O. Guaranteed Analysis Protein 41, per cent Minimum * * * Ammonia 8. Per Cent Minimum Nitrogen 6.50 Per Cent Minimum."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein 41. Per Cent, Minimum Ammonia 8. Per Cent Minimum Nitrogen 6.50 Per Cent Minimum" was false and misleading and deceived and misled the purchaser.

On March 25, 1925, the Buckeye Cotton Oil Co., Inc., Cincinnati, Ohio, having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the said product not be sold nor disposed of until it had been properly labeled and had passed the inspection of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13250. Adulteration of frozen whole eggs. U. S. v. 400 30-Lb. Cans of Frozen Whole Eggs. Decree of condemnation. Product released under bond. (F. & D. No. 19889. I. S. No. 14226-v. S. No. E-5170.)

On March 11, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 30-pound cans of frozen whole eggs, at Boston, Mass., alleging that the article had been shipped by the National Biscuit Co., from New York, N. Y., February 19, 1925, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled: "N. B. C. Whole."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 8, 1925, the National Biscuit Co. having entered an appearance as claimant for the property and having filed a bond in the sum of \$200, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 13201 TO 13250

	N. J. No.		N. J. No.
A. D. S. kidney & bladder pills:		Kidney & bladder pills:	
American Druggists Syndicate	13241	American Druggists Syndicate	13241
Apple jelly. <i>See</i> Jelly.		Lemon flavor. <i>See</i> Extract.	
Apples, evaporated:		Jelly. <i>See</i> Jelly.	
Hartmann Dried Fruit Co	13209	Mineral water. <i>See</i> Water.	
Bladder pills. <i>See</i> Kidney.		Morphine sulphate tablets:	
Blueberries, canned:		Studebaker, Latimer H	13224
Loggie, A. & R., Co	13203	Nitroglycerin tablets:	
Stewart, A. L., & Son	13202	Burrough Bros. Mfg. Co	13231
Butter:		Nuts, chestnuts:	
Minnesota Cooperative Cream-		Feller, Kronman Co	13214
ery Assoc	13246	walnuts:	
Mutual Creamery Co	13233	Holzman, Sam	13235
Ravalli Creamery Co	13206	Laporte, Jos	13245
Snider Dairy & Produce Co	13211	Smith, Peter R	13235
Candy.		Oil, cottonseed:	
Lauer & Suter Co	13248	Morici, A., Co	13225
Catsup. <i>See</i> Tomato catsup.		olive:	
Chestnuts. <i>See</i> Nuts.		Italy Commercial Co	13227
Chloroform:		Olive oil. <i>See</i> Oil.	
	13204	Orange jelly. <i>See</i> Jelly.	
Codeine sulphate tablets:		Oranges:	
Burrough Bros. Mfg. Co	13231	California Fruit Growers Ex-	
Studebaker, Latimer H	13224	change	13247
Corn, canned:		Peas, canned:	
Numsen, Wm., & Sons	13207	California Packing Corp	13234
Cottonseed meal. <i>See</i> Feed.		Pie filling:	
oil. <i>See</i> Oil.		Natural Products Co	13201
Dates:		Potatoes:	
Florita, J. R., Co	13232	Ward, N. J., & Co	13213
Eggs, frozen:		Rice:	
National Biscuit Co	13250	Berengher, J. W	13230
Extract, lemon:		S. K. remedy:	
Gray Mfg. Co	13212	S. K. Remedy Co	13239
Feed, cottonseed meal:		Salmon. <i>See</i> Fish.	
Buckeye Cotton Oil Co	13226, 13249	Sardines. <i>See</i> Fish.	
Consolidated Cottonseed Operat-		Strychnine sulphate tablets:	
ing Co	13210	Studebaker, Latimer H	13224
Eastern Cotton Oil Co	13238	Tankage. <i>See</i> Feed.	
mixed:		Tomato catsup:	
Zorn, S., & Co	13219	Weller, H. N., & Co	13220
tankage:		paste:	
Western By-Products Co	13208	Hershel California Fruit Prod-	
Fish, salmon:		ucts Co	13216
Beatty, W. R., Co	13228, 13244	Morici & Co	13216
Kenai Packing Co	13228, 13244	New Central Canning Co	13215
Sawrie, S. H., & Son	13228	sauce:	
sardines:		Hershel California Fruit Prod-	
Carter Grocery Co	13242	ucts Co	13229
Seacoast Canning Co	13221	Tomatoes, canned:	
Flavor. <i>See</i> Extract.		Davis Canning Co	13218
Grape jelly. <i>See</i> Jelly.		McGrath, H. J., Co	13243
H and H water:		Vinegar:	
H & H Water Co	13223	Douglas Packing Co	13205, 13217
Jelly:		Powell Corp	13222
Natural Products Co	13201	Wahoo bark:	
apple:		Creech, E. G., & J. F	13237
American Preserve Co	13236	Garnett, L	13240
grape:		Walnuts. <i>See</i> Nuts.	
American Preserve Co	13236	Water, mineral:	
lemon:		H & H Water Co	13223
American Preserve Co	13236		
orange:			
American Preserve Co	13236		